

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 June 24, 2011

11 6:22 p.m.

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14 REGULAR SESSION

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18 LIEUTENANT GOVERNOR ROBERT J. DUFFY, President

19 FRANCIS W. PATIENCE, Secretary

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

2 THE PRESIDENT: The Senate will
3 come to order.

4 Please join me in the Pledge of
5 Allegiance.

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

9 THE PRESIDENT: In the absence
10 of clergy, please join me in a moment of
11 silence and bow your heads.

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

14 THE PRESIDENT: The reading of
15 the Journal.

16 The Secretary will read.

17 THE SECRETARY: In Senate,
18 Thursday, June 23rd, the Senate met pursuant
19 to adjournment. The Journal of Wednesday,
20 June 22nd, was read and approved. On motion,
21 Senate adjourned.

22 THE PRESIDENT: Without
23 objection, the Journal stands approved as
24 read.

25 Next, presentation of petitions.

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

7 Motions and resolutions.

8 Senator Skelos.

9 SENATOR SKELOS: Mr. President,
10 on behalf of Senator Ritchie, on page 23 I
11 offer the following amendments to Calendar
12 Number 1070, Senate Print Number 4717, and
13 ask that said bill will retain its place on
14 the Third Reading Calendar.

15 THE PRESIDENT: The amendments
16 are received, and the bill will retain its
17 place on the Third Reading Calendar.

18 SENATOR SKELOS: Mr. President,
19 I believe there are resolutions at the desk.
20 If we could have them read at this time and
21 move for their immediate adoption.

22 THE PRESIDENT: The Secretary
23 will read the resolutions. Read the titles,
24 please.

25 THE SECRETARY: Concurrent

1 Resolution by Senator Skelos, establishing a plan
2 setting forth an itemized list of grantees for
3 certain appropriations for the 2011-2012 state
4 fiscal year, as required by subdivision 5 of
5 Section 24 of the State Finance Law.

6 THE PRESIDENT: The Secretary will
7 call the roll on the resolution.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 THE PRESIDENT: The resolution is
11 adopted.

12 THE SECRETARY: Concurrent
13 Resolution by Senator Skelos, establishing a plan
14 setting forth an itemized list of grantees for a
15 certain appropriation for the 2011-2012 state
16 fiscal year for grants for civil or criminal
17 domestic violence legal services; for grants in
18 aid for drug, violence, and crime control and
19 prevention programs; and for grants that prevent
20 domestic violence or aid victims of domestic
21 violence, as required by subdivision 5 of
22 Section 24 of the State Finance Law.

23 THE PRESIDENT: The Secretary will
24 call the roll on the resolution.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 THE PRESIDENT: The resolution is
3 adopted.

4 The Secretary will read.

5 THE SECRETARY: Senate Resolution
6 by Senator Skelos, amending a plan setting forth
7 an itemized list of grantees for the New York
8 State Economic Development Assistance Program
9 established pursuant to an appropriation in the
10 2008-2009 state fiscal year and in Part QQ of
11 Chapter 57 of the Laws of 2008.

12 THE PRESIDENT: The Secretary will
13 call the roll on the resolution.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 62.

16 THE PRESIDENT: The resolution is
17 adopted.

18 The Secretary will read the title.

19 THE SECRETARY: Senate Resolution
20 by Senator Skelos, establishing a plan setting
21 forth an itemized list of grantees for the
22 New York State Economic Development Assistance
23 Program established pursuant to an appropriation
24 in the 2008-2009 state fiscal year and in Part QQ
25 of Chapter 57 of the Laws of 2008.

1 THE PRESIDENT: The Secretary will
2 call the roll on the resolution.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 62.

5 THE PRESIDENT: The resolution is
6 adopted.

7 The Secretary will read.

8 THE SECRETARY: Senate Resolution
9 by Senator Skelos, amending a plan setting forth
10 an itemized list of grantees for the New York
11 State Economic Development Assistance Program
12 established pursuant to an appropriation in the
13 2008-2009 state fiscal year and in Part QQ of
14 Chapter 57 of the Laws of 2008.

15 THE PRESIDENT: The Secretary will
16 call the roll on the resolution.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 62.

19 THE PRESIDENT: The resolution is
20 adopted.

21 The Secretary will read.

22 THE SECRETARY: Senate Resolution
23 by Senator Skelos, amending a plan setting forth
24 an itemized list of grantees for the New York
25 State Economic Development Assistance Program

1 established pursuant to an appropriation in the
2 2008-2009 state fiscal year and in Part QQ of
3 Chapter 57 of the Laws of 2008.

4 THE PRESIDENT: The Secretary will
5 call the roll on the resolution.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 THE PRESIDENT: The resolution is
9 adopted.

10 The Secretary will read.

11 THE SECRETARY: Senate Resolution
12 by Senator Skelos, amending a plan setting forth
13 an itemized list of grantees for the New York
14 State Economic Development Assistance Program
15 established pursuant to an appropriation in the
16 2008-2009 state fiscal year and in Part QQ of
17 Chapter 57 of the Laws of 2008.

18 THE PRESIDENT: The Secretary will
19 call the roll on the resolution.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 THE PRESIDENT: The resolution is
23 adopted.

24 The Secretary will read.

25 THE SECRETARY: Senate Resolution

1 by Senator Skelos, amending a plan setting forth
2 an itemized list of grantees for the New York
3 State Economic Development Assistance Program
4 established pursuant to an appropriation in the
5 2008-2009 state fiscal year and in Part QQ of
6 Chapter 57 of the Laws of 2008.

7 THE PRESIDENT: The Secretary will
8 call the roll on the resolution.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62.

11 THE PRESIDENT: The resolution is
12 adopted.

13 Senator Skelos.

14 SENATOR SKELOS: Mr. President, if
15 could you call up Calendar Number 1527, Senate
16 5851.

17 THE PRESIDENT: The Secretary will
18 read.

19 THE SECRETARY: Calendar Number
20 1527, by Senator Hannon, Senate Print 5851, an
21 act to amend the Social Services Law.

22 THE PRESIDENT: Senator Skelos.

23 SENATOR SKELOS: Mr. President, is
24 there a message of necessity at the desk?

25 THE PRESIDENT: Yes, there is.

1 SENATOR SKELOS: Move to accept the
2 message.

3 THE PRESIDENT: All in favor of
4 accepting the message of necessity say aye.

5 (Response of "Aye.")

6 THE PRESIDENT: Any nays?

7 (No response.)

8 THE PRESIDENT: The message of
9 necessity has been accepted.

10 Read the last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect on the same date and in the
13 same manner as Section 27 of Part H of Chapter 59
14 of the Laws of 2011.

15 THE PRESIDENT: Call the roll.

16 (The Secretary called the roll.)

17 THE PRESIDENT: Senator Hannon to
18 explain his vote.

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

21 This legislation would ensure that
22 certain people with traumatic brain injury are
23 not otherwise subject to a cap that was passed in
24 the budget. The thought had been to work this
25 out administratively. It turns out, because of

1 certain federal grants, it could not.

2 This will actually save money by
3 preventing individuals from having to go to a
4 nursing home. And for that reason I would move
5 the bill.

6 THE PRESIDENT: Senator Hannon will
7 be recorded in the affirmative.

8 The Secretary will announce the
9 results.

10 THE SECRETARY: Ayes, 62.

11 THE PRESIDENT: The bill is passed.
12 Senator Skelos.

13 SENATOR SKELOS: Mr. President,
14 would you please call up Calendar Number 545,
15 Senate 3907A.

16 THE PRESIDENT: The Secretary will
17 read.

18 THE SECRETARY: Calendar Number
19 545, by Senator LaValle, Senate Print 3907A, an
20 act to amend Chapter 84 of the Laws of 2002.

21 THE PRESIDENT: Read the last
22 section.

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

25 THE PRESIDENT: Call the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62.

3 THE PRESIDENT: The bill is passed.

4 Senator Skelos.

5 SENATOR SKELOS: Thank you,

6 Mr. President.

7 There will be an immediate meeting
8 of the Finance Committee in the Majority
9 Conference Room, which will be followed by a
10 Rules Committee meeting.

11 THE PRESIDENT: Immediate meeting
12 of the Finance Committee, followed by a meeting
13 of the Rules Committee, in Room 332.

14 The Senate is at ease.

15 (Whereupon, the Senate stood at ease
16 at 6:30 p.m.)

17 (Whereupon, the Senate reconvened at
18 6:55 p.m.)

19 THE PRESIDENT: The Senate will
20 come to order.

21 Senator Skelos.

22 SENATOR SKELOS: Mr. President, if
23 we could return to reports of standing
24 committees, I believe there's a report of the
25 Rules Committee at the desk. I ask that it be

1 read at this time.

2 THE PRESIDENT: Going back to
3 reports of standing committees.

4 The Secretary will read.

5 THE SECRETARY: Senator Skelos,
6 from the Committee on Rules, reports the
7 following bills:

8 Senate Print 5855, by Senator
9 Skelos, an act to amend the Education Law;
10 5856, by Senator Skelos, an act to
11 amend the General Municipal Law;

12 5825, by Senator Golden, an act in
13 relation to livery permits;

14 And 5854, by Senator Golden, an act
15 to amend the Tax Law.

16 All bills ordered direct to third
17 reading.

18 THE PRESIDENT: Senator Skelos.

19 SENATOR SKELOS: Move to accept the
20 report of the Rules Committee.

21 THE PRESIDENT: All in favor of
22 accepting the report of the Rules Committee
23 signify by saying aye.

24 (Response of "Aye.")

25 THE PRESIDENT: Any opposed?

1 (No response.)

2 THE PRESIDENT: The Rules report is
3 accepted.

4 Senator Skelos.

5 SENATOR SKELOS: Mr. President, if
6 we could go to Senate Supplemental Calendar 60A,
7 noncontroversial.

8 THE PRESIDENT: The Secretary will
9 read Supplemental Calendar Number 60A,
10 noncontroversial.

11 THE SECRETARY: Calendar Number
12 1543, by Senator Skelos, Senate Print 5855, an
13 act to amend the Education Law.

14 THE PRESIDENT: Senator Skelos.

15 SENATOR SKELOS: Mr. President, on
16 the bill, this is a remarkable day for the future
17 of New York State's university system. The SUNY
18 2020 Challenge Grant Program will create jobs,
19 expand our state's economy, improve our state
20 universities, and further student academic
21 excellence.

22 This is an excellent jobs program
23 and program of excellence for students. SUNY
24 2020 will enable the growth of the four
25 University Centers at Buffalo, Stony Brook,

1 Binghamton and Albany through the availability of
2 \$140 million in capital funds. This bill also
3 authorizes an increase of tuition of up to \$300
4 per year for five years.

5 This program will create new
6 investments by the state, by students, and by
7 SUNY campuses so they will continue to be
8 economic and job creation engines within the
9 respective regions of our state.

10 This bill will also ensure a
11 continued level of state funding and will
12 maintain access to SUNY for students pursuing
13 their higher education at SUNY schools.

14 This all began with UB 2020, and it
15 was brought to fruition through the hard work of
16 Senator Mark Grisanti and the chairman of our
17 Higher Education Committee, Senator Ken LaValle.

18 I think we have been able to work
19 together to create a plan that is in the best
20 interests of the SUNY system. It will help
21 expand our economy, especially in Western
22 New York, and it will help students that are
23 pursuing their higher education at some of the
24 finest colleges in the country.

25 At this point I would like to turn

1 the discussion of this plan over to Senator
2 LaValle.

3 And prior to doing that, is there a
4 message of necessity at the desk?

5 THE PRESIDENT: Senator Skelos,
6 there happens to be a message right here at the
7 desk.

8 SENATOR SKELOS: I move to accept
9 the message of necessity.

10 THE PRESIDENT: All in favor of
11 accepting the message of necessity say aye.

12 (Response of "Aye.")

13 THE PRESIDENT: Any opposed?

14 (No response.)

15 THE PRESIDENT: The message of
16 necessity has been accepted.

17 The Secretary will read the last
18 section.

19 THE SECRETARY: Section 16. This
20 act shall take effect July 1, 2011.

21 THE PRESIDENT: Call the roll.

22 (The Secretary called the roll.)

23 THE PRESIDENT: Senator LaValle to
24 explain his vote.

25 SENATOR LaVALLE: Mr. President,

1 this legislation began in the cold dark days of
2 winter when we in this chamber passed a bill by
3 Senator Grisanti, UB 2020. Since January, we
4 have moved forward. And everyone participated --
5 both this chamber, the Assembly, the Governor --
6 to bring about this legislation.

7 This legislation is a series of
8 investments in our State University system. The
9 state is making an investment by a maintenance of
10 effort to say that we are investing in the State
11 University at the same level that we are today
12 and we're not reducing that commitment. The
13 student is making an investment by their
14 tuition. The campuses, and there's language in
15 the bill, they are making an investment by
16 looking at savings each year. And there's
17 language that allows for increased investments by
18 the foundations through additional fundraising.

19 Those investments by each of those
20 entities will make for access to our State
21 University, availability of classes, and to
22 ensure at the research centers that they are
23 truly doing research that will be related to job
24 creation. And there is language in here that
25 they, the centers, have to report on how this

1 relates to job creation.

2 So as the leader said in his
3 remarks, we are making a series of investments.
4 And at the end of the line, the State University
5 of New York will be energized in terms of
6 economic development. And we're doing, in this
7 bill, the same thing by empowering the City
8 University to move forward and make a series of
9 investments there.

10 I vote aye.

11 THE PRESIDENT: Thank you, Senator.

12 Senator LaValle will be recorded in
13 the affirmative.

14 Next, Senator Grisanti to explain
15 his vote.

16 SENATOR GRISANTI: Yes, thank you,
17 Mr. President.

18 It wasn't too long ago that we
19 passed a budget that did not include UB 2020.
20 And I said at that time that UB 2020 is not
21 dead. And thank God, I'm standing here and it's
22 alive.

23 The importance of this legislation
24 to Western New York as well as the other three
25 research institutes is very important to New York

1 State as a whole, but most importantly to
2 thousands of jobs it's going to create in
3 construction, and permanent jobs at the end, and
4 not to mention the research jobs that are going
5 to spring off of that. The research facilities,
6 with additional jobs, is a much-needed boost in
7 the City of Buffalo and the Western New York
8 region, due to the fact that we have a severe
9 loss of population in the latest census.

10 I want to thank Senator Skelos,
11 Senator LaValle, all my colleagues who are on
12 this bill. I want to thank all facets and all
13 three phases of government for getting this moved
14 forward.

15 And I want to especially thank those
16 at UB and those in the building trades that have
17 been able to come to an agreement to make sure
18 that we have solid, strong jobs. Because that's
19 what this whole thing is about. Jobs, jobs, jobs
20 in New York to bring people back to New York
21 State, make this state the Empire State once
22 again.

23 I vote in the affirmative. Thank
24 you.

25 THE PRESIDENT: Thank you, Senator.

1 Senator Grisanti will be recorded in
2 the affirmative.

3 Next, Senator Maziarz to explain his
4 vote.

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

7 I rise to join with my colleagues in
8 commending, first, Senator LaValle, the chair of
9 the Higher Education Committee.

10 This has been a long road for UB
11 2020. And the language contained in this
12 legislation is going to result in a new medical
13 school campus in downtown Buffalo.

14 The mayor of the City of Buffalo,
15 our former friend -- our former colleague and
16 good friend. Well, maybe the former friend of
17 some people here too, I don't know. But
18 Mayor Byron Brown wanted this. The county
19 executive, Chris Collins, needs this for Western
20 New York for economic development. As Senator
21 Grisanti said, this is thousands of jobs for
22 construction workers, for people employed by the
23 university.

24 But more, I think, important than
25 that, this is about hope for young people in

1 Western New York to get a fine university system
2 in the downtown corridor doing necessary
3 healthcare research. This is UB 2020. I know
4 it's been debated and talked about a lot,
5 mentioned, to the chagrin of some, too many times
6 in this chamber.

7 This is a great step for Western
8 New York and a great step for the State of
9 New York. I vote in the affirmative,
10 Mr. President.

11 THE PRESIDENT: Thank you, Senator.
12 Senator Maziarz will be recorded in
13 the affirmative.

14 Next, Senator Stavisky to explain
15 her vote.

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

18 Yes, this is an economic development
19 bill. But it's also a bill that affects hundreds
20 of thousands of students in New York State. And
21 let's not forget the students, since they are the
22 clients.

23 It seems to me that \$300 a year for
24 five years -- that's a 30 percent increase in
25 tuition -- is awfully high. It's maybe too high

1 for some students to afford college. And that
2 has me troubled.

3 I like the idea that out-of-state
4 students will be paying an increased share,
5 because currently their tuition, at a little over
6 \$13,000 a year, is way below the national
7 average. But let's not forget that the Higher
8 Education Price Index, the HEPI index, which is a
9 compilation of higher education expenses, is
10 0.9 percent, a very low figure. And \$300 I think
11 is a lot of money.

12 I am concerned about the
13 proportional numbers, the relationship between
14 SUNY and CUNY in the bill. I am concerned about
15 the definition of emergency. Having the Governor
16 declare a state of emergency to obviate some of
17 the sections, I find that troubling.

18 The idea that money should be going
19 to the campus is to me crucial. And I would
20 prefer to see stronger language in this bill that
21 makes sure that the money goes to the campuses
22 and not into the state's General Fund.

23 The question of the lockbox so that
24 it becomes sort of untouchable -- we want to be
25 sure that the money cannot be swept the way it

1 has happened in the past. And this applies only
2 to SUNY, obviously.

3 But traditionally the Governor has
4 taken 10 percent and then another 10 percent, and
5 SUNY has suffered devastating cuts over the
6 years. We've got make sure that the maintenance
7 of effort is enforced so that if there are going
8 to be cuts that the lockbox, the so-called fund,
9 not be raided.

10 There's a question of
11 affordability. I'm delighted that the City
12 University of New York is included in this bill.

13 But let me tell you why I'm going to
14 vote for it. Because the alternatives are
15 worse. The spikes in tuition that we've had over
16 the years have been devastating to some
17 students. To increase tuition not by \$300 a year
18 but by \$600 and \$700 a year to make up for past
19 inequities, that's wrong.

20 So I think we're on the right
21 track. And, Mr. President, I vote aye.

22 THE PRESIDENT: Thank you, Senator.

23 Senator Stavisky will be recorded in
24 the affirmative.

25 Next, Senator Diaz to explain his

1 vote.

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

4 A few months ago our conference --
5 and let me speak by myself -- I agreed to support
6 Senator Tim Kennedy on something called UB 2020
7 for Buffalo and that part of that section over
8 there. And because the distinguished gentleman
9 from that section, Tim Kennedy, asked me to
10 support that section of the state, and in order
11 to be sure that we have, Mr. President, one state
12 and not put downtown against uptown, so I decided
13 that I would support Tim Kennedy, Senator Tim
14 Kennedy, and I would support UB 2020.

15 But today, ladies and gentlemen,
16 Mr. President, today they're not only bringing
17 UB 2020, they're doing something called Slick
18 Willie. They put it together with increasing
19 tuition for students for the university.

20 So how I could go back to the Bronx,
21 how could I go back to my community and tell
22 those people that I am here voting to increase
23 every student that goes to the university, to the
24 City University or to the State University, every
25 student will have to pay \$300 every year in

1 increased tuition for five years.

2 Then they say, oh, no, no, no, wait,
3 wait, wait. Not everybody. Those that make
4 \$7,000, the families from \$7,000 down will be
5 exempted. But then those families that make
6 \$7,000 up to \$80,000, they will have to pay.

7 So then again, the gentlemen here
8 that were supposed to be protecting the middle
9 class, now they're killing the middle class
10 again.

11 So today we are voting for something
12 approved by a Democratic Governor and supported
13 by the Democratic Senators and Republican
14 Senators to increase tuition on students \$300 a
15 year for five years. And that's, ladies and
16 gentlemen -- that, ladies and gentlemen, that's a
17 travesty.

18 That's something that we here are
19 now saying to the middle class and to lower
20 middle class, you're dead. But the upper state,
21 the area up there, they will create jobs. So
22 we're creating jobs for that area, but we're
23 killing the students and the families that have
24 to send their students to college.

25 I cannot go back to the Bronx --

1 because the people that I represent did not send
2 me here to do this. I cannot go back to the
3 Bronx, face the people that I represent and tell
4 them I am voting to increase every student that
5 go to college in my district to pay \$300 every
6 year for five years. That is a travesty of
7 justice, a travesty of the law, and that is the
8 thing that we are famous to do here.

9 Mr. President, I am voting no with
10 big capital letters: No. Thank you.

11 THE PRESIDENT: Thank you, Senator.
12 Senator Diaz will be recorded in the
13 negative.

14 Next, Senator Kennedy to explain his
15 vote.

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

18 First of all, let me thank Senator
19 Diaz for his vote several months ago. But not so
20 much today.

21 SENATOR DIAZ: Not today, my
22 friend.

23 SENATOR KENNEDY: We have a bit of
24 a disagreement. But I believe it's an important
25 piece of legislation that we're passing today.

1 This is an extraordinary piece of
2 legislation that is not just going to help
3 Western New York get back on track, but it's
4 going to help all of us across New York State get
5 back on track and rebuild New York State back
6 into the Empire State as we know it.

7 It was a long road to get here
8 today. And I know myself and others are here in
9 part because this body and our friends in the
10 Assembly were unable to deliver on promises to
11 bring UB 2020 to Western New York but to bring
12 rational tuition to all of New York State and all
13 of SUNY.

14 And this is about the University at
15 Buffalo and this is about Western New York
16 getting back on its feet. But it's also ending
17 what we've referred to as tuition roulette, where
18 you've had, in the past, students go without a
19 tuition increase for four or five years and then
20 all of a sudden get a 30 percent tuition spike
21 that impacts the poorest and neediest of all
22 New York State that then can't afford to go to
23 school.

24 This allows individuals to plan in a
25 rational way, families to plan in a rational way,

1 rational tuition increases over five years. They
2 see it's coming; they can plan.

3 I want to thank the Governor.
4 Without the Governor, Andrew Cuomo, stepping up
5 and making SUNY 2020 and UB 2020 a priority, we
6 would not be having this discussion here today.

7 The problem that we've had in
8 Western New York is not in getting projects
9 completed, it's in getting projects started. UB
10 2020 starts today. I want to thank my colleagues
11 on the other side of the aisle. I want to thank
12 my colleagues in the Democratic Conference. And
13 I want to thank the Governor for embracing
14 UB 2020 and SUNY 2020 and making this a reality.
15 Thank you.

16 THE PRESIDENT: Thank you, Senator.
17 Senator Kennedy will be recorded in
18 the affirmative.

19 Next, Senator Rivera to explain his
20 vote.

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

23 A few months ago, again at the
24 behest of Senator Kennedy -- and I'm actually
25 going to do something that I don't usually do,

1 which is echo some of the sentiments of my
2 colleague Senator Diaz -- a few months ago I also
3 voted in favor of UB 2020.

4 Because as I said then, I certainly
5 do not know Buffalo, I've never visited it. I do
6 not know the needs of it, and certainly I don't
7 know it as well as my colleague Senator Kennedy.
8 And based on that, I voted in the affirmative for
9 that bill. But I did so particularly because it
10 was one that only impacted that region of the
11 state.

12 What we're looking at here today is
13 a completely different bill, one that actually
14 puts a lot of things together and impacts CUNY.
15 There are two CUNY campuses in my district and
16 one that's a little bit south. And just in those
17 three campuses I have 5300 individuals that go to
18 these universities. These are public
19 universities.

20 And as I've said many times here,
21 when we're looking at the choices that we are
22 making about where we get our revenue and how we
23 spend our revenue, we should be making the
24 smartest decisions that we can.

25 I have argued many times on the

1 floor of the Senate about the extension of the
2 millionaire's tax, and I have been shot down. I
3 will continue to speak about it because I believe
4 it is important to talk about the revenue that we
5 need to generate to be able to cover expenses
6 such as this.

7 As opposed to putting a tax on the
8 backs of students, certainly students from
9 working-class families or poor students. We
10 should be thinking about how to put our schools
11 in the position to provide a quality education
12 and an affordable education and not have to make
13 the choice between the two.

14 So unfortunately, I will not be able
15 to support this plan tonight, and I would
16 encourage my colleagues to do the same. I will
17 be voting in the negative.

18 Thank you, Mr. President.

19 THE PRESIDENT: Thank you, Senator.

20 Senator Rivera will be recorded in
21 the negative.

22 Next, Senator Smith to explain his
23 vote.

24 SENATOR SMITH: Thank you very
25 much, Mr. President.

1 Let me first congratulate the
2 Governor on bringing UB 2020 to fruition. Let me
3 congratulate my colleagues on the other side of
4 the aisles for their challenging work that they
5 performed; Senator Kennedy, for your advocacy.
6 Since you have become a Senator, you have always
7 fought for what was right for Buffalo and Western
8 New York.

9 UB 2020 obviously provides some
10 economic development for Western New York and
11 provides some opportunities for the
12 universities. However, Mr. President, the
13 conundrum that I think we're presented with has
14 been demonstrated by a few of my colleagues. And
15 that is, you have a body that is not represented
16 in this body, and that is the students of this
17 state.

18 While we will be creating jobs
19 through UB 2020, most of those jobs are capital
20 in nature, which falls under the category of
21 construction. When it comes to science, math and
22 technology, it is intellectual education that
23 will provide them with the ability to go after
24 the jobs of the 21st century. UB 2020 does not,
25 for our CUNY students, provide that opportunity.

1 What is necessary is, just as the
2 Governor did with the SAGE Commission, there are
3 efficiencies that could be found, there are bond
4 financings that could be done to provide the
5 capital improvements in Western New York.

6 However, what is happening today,
7 the \$300 that will be charged over the next five
8 years, almost 25 to 30 percent, is a little bit
9 more taxing than is necessary.

10 So it's because of that,
11 Mr. President -- not that I don't believe in
12 "one New York," not that I don't believe in
13 UB 2020 -- but for those students -- Cory
14 Provost, president of the CUNY University Senate,
15 who has begged for us not to support this bill --
16 I have to unfortunately cast a no vote on this
17 particular bill.

18 Thank you, Mr. President.

19 THE PRESIDENT: Thank you, Senator.

20 Senator Smith will be recorded in
21 the negative.

22 Next, Senator Parker to explain his
23 vote.

24 SENATOR PARKER: Thank you,
25 Mr. President, to explain my vote.

1 I guess I'm adding my voice to those
2 who feel themselves torn by this vote today.

3 I certainly am supportive of the
4 notion of UB 2020. And of course to my colleague
5 Tim Kennedy and the work that he's done on this,
6 congratulations. And to the Governor and to the
7 rest of my colleagues who think this is
8 important -- and this bill will pass today --
9 congratulations. You know, this will be great
10 for Buffalo and the Western New York region.

11 However, I have the same concern
12 that Senator Stavisky talked about, the same
13 concerns that Senator Rivera talked about in
14 terms of the tuition issues that are done here.
15 And I certainly believe in the notion of a
16 rational tuition model. I think the way that we
17 have worked out the details in this particular
18 bill is not something that I can, unfortunately,
19 support.

20 I'm certainly as concerned as
21 Senator Stavisky is about the dollars not going
22 to the campuses and coming into the General
23 Fund. There's certainly an ongoing concern about
24 the commitment of the Legislature to continue to
25 fund higher education. And Senator Smith kind

1 of, you know, touched on this, that when we in
2 fact look at where jobs are going to be created
3 in our society over the next five to 15 years,
4 they're going to be in places that need higher
5 education. Right? The FIRE industries --
6 finance, insurance, real estate -- as well as
7 biotech, new media, and technology.

8 So, you know, we really can't, and
9 particularly in communities like mine, kill the
10 baby in the cradle by denying people access to
11 education at a time when we ought to be making
12 four years of college as common as a high school
13 diploma is now.

14 And so unfortunately, because the
15 tuition is just too steep, because this is in
16 fact going to create a squeeze, particularly on
17 the middle class, Mr. President -- because, you
18 know, I think there are some good provisions in
19 here. And if you're on TAP, it helps you.
20 People obviously who have some means, you know,
21 still will be able to afford it. But those in
22 the middle who don't get TAP and don't have a lot
23 of means are going to be the ones who are going
24 to be denied access to higher education and to
25 some of the best schools in our SUNY system,

1 which are the research universities of Albany,
2 Buffalo, Binghamton and Stony Brook.

3 So I regretfully, on this bill, vote
4 nay.

5 THE PRESIDENT: Thank you, Senator.

6 Senator Parker will be recorded in
7 the negative.

8 Next, Senator Bonacic to explain his
9 vote.

10 SENATOR BONACIC: Thank you,
11 Mr. President.

12 I stand to congratulate all those
13 Senators that represent these four centers of
14 excellence; Ken LaValle for his hard work, as
15 usual, on higher education; but especially
16 Senator Grisanti.

17 Quite frankly, I've been here a
18 while, and you don't see a freshman Senator come
19 in and work as hard as he did, 24/7, always
20 talking about UB 2020. He was driving us all
21 nuts. But he got it done, and I especially
22 congratulate him for his hard work.

23 Having said all of that, I'm going
24 to vote yes on the bill, but I want to mention to
25 the Governor -- I want to thank him for letting

1 this happen, but we don't want to create a
2 two-tier system in SUNY: the Centers of
3 Excellence, the four, and the rest of them left
4 behind a little bit. There was a large capital
5 infusion into these four Centers of Excellence.
6 I have the University of New Paltz, I have the
7 University of Delhi, both four-year universities;
8 no capital money.

9 So I ask this Governor, when we look
10 at the higher education in the next round, we
11 have to make sure that we keep every SUNY
12 institution at the same level and not create a
13 two-tier system in SUNY.

14 Thank you, Mr. President. I vote
15 yes.

16 THE PRESIDENT: Thank you, Senator.
17 Senator Bonacic will be recorded in
18 the affirmative.

19 Next, Senator Gallivan to explain
20 his vote.

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

23 I too rise in support of this
24 legislation. Ironically, as we are discussing
25 this legislation, my son is sitting on a stage

1 back in Western New York at his own high school
2 graduation. And he and the tens of thousands of
3 students like him will be helped by this. The
4 tens of thousands of students across the state
5 will be helped by this.

6 What we've done tonight is we have
7 helped the entire SUNY system to better prepare
8 its students. I've heard about access. What
9 nobody's talked about is we've helped to ensure
10 access for those kids that need it. We've
11 provided -- we've recognized and will offer
12 tuition credits for those already receiving some
13 level of assistance. We've also provided, at the
14 four university centers, what will ultimately be
15 funds for greater access for kids who need it.

16 So I think this does focus on our
17 students. It helps to strengthen our system so
18 that we can better prepare our students for the
19 future.

20 It also helps to strengthen our
21 economy, particularly the Western New York
22 economy that you have heard of time and time
23 again. And I'd like to thank all of my
24 colleagues for their support of UB 2020 when we
25 passed that several months ago, and now thank

1 those that have helped to work to make this
2 possible and their support of this legislation,
3 particularly Senator Grisanti, who did a yeoman's
4 job on this; the chair of our Higher Education
5 Committee, Senator LaValle; and our leader,
6 Senator Skelos, for making it one of his
7 priorities. Along with the Governor, who
8 recognized its importance not just to our
9 students but to our state and the Western
10 New York economy.

11 Finally, there are some people out
12 at UB and at SUNY Geneseo, which is one of the
13 finest liberal arts institutions in the country.
14 I represent constituents that attend, work at,
15 live, play at both colleges. But President Chris
16 Dahl from SUNY Geneseo is very supportive, helped
17 to work on the rational, predictable tuition
18 policy. And this will strengthen SUNY Geneseo as
19 it will be the rest of the schools.

20 And at UB, incoming president
21 Dr. Satish Tripathi embraced this, helped us
22 understand it, recognized the economic realities
23 of our times, made the necessary adjustments to
24 help us pass this legislation. And he was aided,
25 of course, by Ryan McPherson and Megan Toohey,

1 who you would almost think that they worked here
2 in the Senate, they were here every day.

3 So I thank all of my colleagues for
4 supporting this, and I look forward to a better
5 education system and a better economy because of
6 it. I vote in the affirmative.

7 THE PRESIDENT: Thank you, Senator.

8 Senator Gallivan will be recorded in
9 the affirmative.

10 Next, Senator Ranzenhofer to explain
11 his vote.

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

14 I also would like to join with my
15 colleagues in thanking Senator LaValle for his
16 knowledge and experience in navigating a very,
17 very difficult issue through the system.

18 Also to my seatmate Senator Grisanti
19 for his tenacity. He was -- I sit next to him on
20 a daily basis. He was almost like a Pacman.
21 There would be an obstacle, he'd eat up that
22 obstacle. There would be another obstacle, he'd
23 eat up that one. Until finally it came to
24 fruition. But the tenacity that he showed in
25 convincing our leader and our Governor that this

1 was an important project for UB is just
2 remarkable.

3 UB is really the center of Western
4 New York in terms of not only its size, its
5 employment, its importance to the community.
6 When I attended UB nearly 35 years ago, there
7 were perhaps four buildings on the academic spine
8 and, through this Senate, for three decades built
9 that university. And now we're turning into a
10 new phase where we're going to be developing the
11 downtown campus, which is long overdue. And
12 that's a very, very important part of this
13 project.

14 Let's talk about tuition. And I'm
15 somewhat confused by some of the comments that
16 I've heard. There were some complaints that the
17 tuition is too high. But two years ago there was
18 a one-time tuition increase of \$620. Ninety
19 percent of that during the first year went to the
20 General Fund, didn't go to any university, and in
21 the second year 80 percent went to the General
22 Fund.

23 And there are people here that voted
24 for this but yet are complaining about the \$150
25 per semester increase. Which is much less than

1 what happened actually a couple of years ago.
2 Two years ago there was a two-year -- based on
3 this \$150, a two-year increase in one day. But
4 here, this is spread out over time. And what is
5 \$150? About 10 bucks a week for a college
6 student. It's a Big Mac, fries, and a Coke.
7 It's a couple of gallons of gas. It's a couple
8 of beers. A pack of cigarettes actually costs
9 more than 10 bucks a week, which is what the
10 tuition increase is.

11 But very importantly in this bill,
12 which we never saw before, is maintenance of
13 effort. Which means that the money will stay
14 with the college. Very, very important part of
15 this, because the students that are actually
16 going to be paying the increased tuition, or
17 their parents, will know that that money will
18 stay.

19 Unlike a few years ago when there
20 was a tuition increase, it was all swept out for
21 two years. Here there's maintenance of effort
22 language which will help those students graduate
23 on time, get the courses that they need, hire the
24 professors that are needed in order to complete
25 their education.

1 So again, I just want to repeat that
2 I'm very excited about this excited about this
3 project. There are more students from the
4 Western New York area that attend that university
5 than any other university. And again, I want to
6 just compliment my seatmate here, Senator
7 Grisanti, for his tenacity in fighting for this
8 issue and bringing it to the floor today and
9 getting it passed. That is no small achievement.

10 Thank you, Mr. President.

11 THE PRESIDENT: Thank you, Senator.

12 Senator Ranzenhofer will be recorded
13 in the affirmative.

14 Next, Senator DeFrancisco to explain
15 his vote.

16 SENATOR DeFRANCISCO: Much has
17 already been said, so I'll be very brief.

18 But during the budget process that
19 took the first three months of the legislative
20 session, I don't believe I had a conversation
21 with Senator Grisanti without the word "UB 2020"
22 in it. Quite frankly, it got quite annoying. I
23 mean, you couldn't have a decent conversation
24 with the man, he was so committed, obsessed with
25 this project.

1 Obviously he was disappointed when
2 it didn't happen. And I remember being at a news
3 conference when Governor Cuomo made a
4 commitment: Despite not getting to it at the
5 budget, we will do it. And because of Senator
6 Grisanti's insistence, because of Senator
7 Skelos's leadership, and because of the honesty
8 of the Governor in keeping his word, this is
9 happening.

10 To those who are concerned that it's
11 only in four university centers, I think what
12 this does for the entire state is give an
13 opportunity for this model to be tested. And I
14 believe that if this model is tested and it
15 works, we'll see this model in other university
16 settings, in SUNY colleges and CUNY colleges
17 throughout the state.

18 So congratulations to all of you.
19 Congratulations to Senator Grisanti. And thank
20 God; I'm tired of hearing "UB 2020."

21 (Laughter.)

22 THE PRESIDENT: Thank you, Senator.
23 Senator DeFrancisco will be recorded
24 in the affirmative.

25 Next, Senator Little to explain her

1 vote.

2 SENATOR LITTLE: Thank you,
3 Mr. President. And congratulations to all those
4 who have worked on this bill.

5 We've talked a long time about our
6 university system and their need for more
7 funding. This tuition increase and the
8 maintenance of effort that is required to go
9 along with that is very important. And as one
10 who has had six children go to college, the
11 certainty of knowing what the tuition increase is
12 going to be or not be for the next five years is
13 really important to a family.

14 One hundred fifty dollars a semester
15 is going to help the schools provide the faculty,
16 the classes, and the selection that's so
17 important for students to get their education in
18 four years.

19 So thank you very much, and
20 congratulations. I vote aye.

21 THE PRESIDENT: Thank you, Senator.
22 Senator Little will be recorded in
23 the affirmative.

24 Next, Senator Seward to explain his
25 vote.

1 SENATOR SEWARD: Thank you,
2 Mr. President.

3 I rise in support of this
4 legislation. In so doing, I want to thank our
5 Majority Leader, Senator Skelos, for his
6 outstanding leadership on this issue, as well as
7 the chair of our Higher Education Committee,
8 Senator LaValle. And of course, for the Buffalo
9 piece, Senator Grisanti, for his advocacy. And
10 of course the Governor, who has been tremendous
11 on this particular issue.

12 In my Senate district I have the
13 highest number of SUNY campuses of any Senate
14 district in the state. And I know personally how
15 important these campuses are to the State of
16 New York, a big part of our economic engine in
17 our state. And with this legislation we're
18 adopting tonight, we are going to rev up that
19 economic engine even more.

20 Certainly the piece for Western
21 New York is big, as well as the other university
22 centers. And for the rest of the system and the
23 students that attend our SUNY campuses, this
24 rational tuition policy which is being
25 implemented with this bill will give students and

1 their families the ability to plan just what the
2 cost of that education is going to be.

3 This is a big step forward to
4 benefit our students and their families in
5 financing their college education. And with the
6 tuition credits that are included in this bill
7 and other provisions, no one should leave the
8 SUNY system, no student should leave for economic
9 reasons. Their needs will be addressed.

10 And of course with the Governor's
11 commitment to keep the funds at the campus, as
12 well as the maintenance of effort, the language,
13 that will mean good things for our campuses,
14 enhance the student educational opportunities on
15 our campuses.

16 So this is a great piece of
17 legislation, a big step forward for SUNY and
18 higher education in New York State, and a big
19 step afford in our efforts for economic
20 development. I vote aye.

21 THE PRESIDENT: Thank you, Senator.
22 Senator Seward will be recorded in
23 the affirmative.

24 Next, Senator Farley to explain his
25 vote.

1 SENATOR FARLEY: I won't thank
2 everybody, but I do want to say what an exciting
3 thing this is for the Capital District and one of
4 the crown jewels of the university center in
5 Albany, where I taught for over three decades.

6 Albany has the infrastructure to
7 really make this work. It has one of the finest
8 schools of business in the United States. It has
9 the nanotech, so many things that can really be
10 exciting and really make this economic engine
11 that we're trying to utilize with our great
12 university centers. They are the research
13 centers of the Northeast, and they really will
14 make a difference in our economy. And it's the
15 first time really that the state has recognized
16 what an asset we have in our university centers.

17 I'm very excited that Albany is
18 going to be a part of this, and I'm very excited
19 and sure that they'll really make a difference.
20 And the Capital District is very, very grateful
21 that the Governor and everybody has recognized
22 the value of our university centers and
23 particularly the University at Albany.

24 I vote aye, incidentally.

25 THE PRESIDENT: Thank you,

1 Senator.

2 Senator Farley will be recorded in
3 the affirmative.

4 Next, Senator McDonald to explain
5 his vote.

6 SENATOR MCDONALD: Thank you, sir,
7 Mr. President. I thank everybody here: My
8 classmate and friend Mark and what he's done,
9 Senator LaValle, people on the other side of the
10 aisle, the Assembly and our Governor.

11 This, as Senator Farley spoke, is
12 not just for SUNY Buffalo -- although I did go to
13 graduate school there for a while, and what a
14 great system. This is for the whole SUNY system.

15 Out of curiosity, how many people in
16 this legislative body, and even our staff, went
17 to a SUNY facility? That's it? Come on.

18 (Laughter.)

19 SENATOR MCDONALD: A SUNY facility
20 someplace in the state. We're represented
21 everywhere, including here.

22 We've got a great system. It's
23 integrated into our communities, as Senator
24 Farley mentioned. It's going to be integrated
25 into our economic development, which is

1 desperately needed.

2 So I want to thank everybody for
3 doing this, and to my special friend Mark for
4 being the leader of it. Thank you.

5 THE PRESIDENT: Thank you, Senator.

6 Senator McDonald will be recorded in
7 the affirmative.

8 The Secretary will now announce the
9 results.

10 THE SECRETARY: In relation to
11 Calendar Number 1543, those recorded in the
12 negative are Senators Avella, Diaz, Espaillat,
13 Parker, Peralta, Perkins, Rivera, Serrano, and
14 Smith. Also Senator Adams. Also Senator
15 Huntley.

16 Ayes, 51. Nays, 11.

17 THE PRESIDENT: Pertaining to SUNY
18 2020, the bill is passed.

19 The Secretary will read the next
20 bill, Number 1544.

21 THE SECRETARY: Calendar Number
22 1544, by Senator Skelos, Senate Print 5856, an
23 act to amend the General Municipal Law and the
24 Education Law.

25 THE PRESIDENT: Senator Skelos.

1 SENATOR SKELOS: Mr. President, is
2 there a message of necessity at the desk?

3 THE PRESIDENT: Yes, there is.

4 SENATOR SKELOS: Move to accept the
5 message.

6 THE PRESIDENT: All in favor of
7 accepting the message of necessity signify by
8 saying aye.

9 (Response of "Aye.")

10 THE PRESIDENT: Any nays?

11 (No response.)

12 THE PRESIDENT: The message has
13 been accepted.

14 Read the last section.

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

17 THE PRESIDENT: Senator Skelos.

18 SENATOR SKELOS: Mr. President, to
19 explain my vote.

20 Tonight we're taking up a measure
21 that millions of New Yorkers throughout the state
22 have been waiting for for too many years. It's
23 an issue that we hear about in our districts
24 almost every day. Of course I'm talking about
25 the property tax cap.

1 There is simply no understanding how
2 important this issue is to countless families and
3 businesses on Long Island and across the state.
4 New Yorkers pay the highest property taxes in the
5 country, and they're sick and tired of having
6 their tax bills increased year after year,
7 sometimes by double digits.

8 Senate Republicans have been pushing
9 for enactment of a tax cap since 2008. We've
10 passed tax cap bills several times, but we never
11 had a partner. And now we do. Governor Cuomo
12 joined with us in our effort to enact a tax cap.

13 And I'm proud to say that this
14 omnibus bill we are taking up now includes a
15 2 percent property tax cap and will also be
16 passed in the Assembly and signed into law.

17 This bill also contains mandate
18 relief, which is significantly important for all
19 of our local governments and certainly has been a
20 priority for our Republican Conference.

21 It includes over \$127 million in
22 mandate-relief savings, including \$70 million in
23 savings for all localities and school districts,
24 through piggybacking and centralized contracts.

25 It also creates -- and I think this

1 is significant -- an 11-member mandate relief
2 council to be nominated by the Governor and the
3 Legislature. The council will be able to review
4 statutes and regulations upon the request of a
5 local government or a member of the council, make
6 a determination if it is unsound or too costly,
7 and modify that mandate or recommend a repeal of
8 unfunded mandates.

9 Mandate relief, as I said, is a
10 critical part of the tax cap provision because we
11 have to ease the burden of mandates on local
12 governments. And we will continue our efforts in
13 the Republican majority to find more relief for
14 our local governments.

15 This legislation also contains an
16 extension of rent control, rent stabilization,
17 with certain rent enhancements. I vote aye.

18 THE PRESIDENT: Thank you,
19 Senator.

20 Senator Skelos will be recorded in
21 the affirmative.

22 And before we go on, if I could have
23 the Secretary call the roll.

24 (The Secretary called the roll.)

25 THE PRESIDENT: Next, Senator

1 Fuschillo to explain his vote.

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

4 When this legislative body started
5 the 2011 legislative session, Senator Skelos, the
6 Majority Leader, started off by saying the issue
7 of property taxes, cutting spending and creating
8 jobs are priority number one for this majority.

9 On Long Island, wherever I go,
10 wherever I walk -- and I'll say the same for my
11 colleagues, the issue of property taxes comes up
12 everywhere we go. A promise was made by our
13 Majority Leader that we would get it done this
14 year. It was a promise made and a promise kept.

15 If we're going to turn this state
16 around and stop hearing the talk that it's going
17 in the wrong direction, it starts now. This
18 property tax cap will hopefully end everybody
19 leaving the state, New York State having the
20 unfortunate pleasure and distinction of being
21 number one in interstate migration, and it will
22 turn the state's economy around.

23 The issue of mandate relief was
24 championed by my colleague Senator Jack Martins.
25 You know, Senator Bonacic said that Senator

1 Grisanti never stopped talking about UB 2020, and
2 he got it done. Well, this guy to my right,
3 Senator Martins, hasn't stopped talking that if
4 we're going to do a property tax cap and we're
5 going to cut spending, we're going to create
6 jobs, we need mandate relief as well.

7 I applaud their efforts, and I
8 proudly support this legislation.

9 THE PRESIDENT: Thank you, Senator.
10 Senator Fuschillo will be recorded
11 in the affirmative.

12 Next, Senator Marcellino to explain
13 his vote.

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

16 I rise to congratulate Senator
17 Skelos on this achievement, congratulate Governor
18 Cuomo, working with the majority in this house
19 and many members across the aisle. Property tax
20 relief was our first primary goal. That goal has
21 been achieved tonight. This tax cap will go a
22 long way. It's a step. It's not the end of it,
23 it's a step.

24 We promised all along, since before
25 the last election and since, that our priority

1 would be cutting taxes, lowering state spending,
2 and creating private-sector jobs. The only way
3 you can those things is by controlling property
4 taxes, controlling spending. This is done.

5 This bill isn't perfect, but the
6 perfect should never be the enemy of the good.
7 This bill goes a long way towards relieving our
8 overburdened taxpayers of this onerous problem of
9 keeping their own money in their pocket so they
10 can spend it the way they want to. They know how
11 to do it. It shouldn't be government's role to
12 spend the tax dollars of our citizens, it should
13 be their role. They should have the option.

14 This bill goes a long way, as I said
15 before, in providing them and giving them that
16 option. Mr. President, I vote aye.

17 THE PRESIDENT: Thank you,
18 Senator.

19 Senator Marcellino will be recorded
20 in the affirmative.

21 Next, Senator Oppenheimer to explain
22 her vote.

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

25 Well, this is a tough one. Because

1 I will be supporting this comprehensive bill, but
2 much like our budgets, I support much of the
3 contents but I do not support the tax cap
4 provisions.

5 I have supported efforts to enact a
6 tax cap that includes needed mandate relief and
7 tools for cost-cutting. While some improvements
8 have been made by the Governor on his original
9 bill, and I do appreciate his efforts, I feel we
10 are not getting at the core problem, and that's
11 the need to reduce property taxes, not merely to
12 cap the increases.

13 To lower taxes it's necessary to
14 attack the cost drivers. Where is the relief
15 from the meaningful major unfunded mandates? And
16 where is the flexibility for the smaller cost
17 savers like sharing services, joint purchasing,
18 piggybacking on contracts, cooperative
19 agreements?

20 School districts and local
21 governments still have to provide the most key
22 services. They still have to properly maintain
23 their buildings and infrastructure. A cap
24 without rational exceptions for capital costs,
25 for retirement-system payments and mandated

1 costs, will force bad policy choices at the local
2 level.

3 Also in this bill, if a school
4 district chooses to exceed the 2 percent tax levy
5 cap, it would require a 60 percent voter
6 approval. So a minority can thwart the will of
7 the majority. This supermajority is rarely used
8 in America and only for very fundamental
9 structure changes. It contradicts majority rule
10 and also contradicts one person, one vote.

11 Further, if a school budget fails,
12 no increase is allowed over the prior year. What
13 will result? There will be increases in class
14 size, teachers will be laid off, important
15 programs cut like UPK, like full-day
16 kindergarten, sports, music, arts, foreign
17 language. I think education is going to be
18 dumbed down.

19 For decades I've talked about
20 devolution, where school districts and local
21 governments have been given more costly
22 responsibilities from the levels of government
23 just above them. This shift in costs is the
24 major cause of high property taxes in New York
25 State.

1 Property taxes are the major tax
2 available at the local level, as we all know.
3 Unless we reverse the shift by removing some
4 mandates and by sending the costs back to the
5 higher levels of government -- where there are,
6 as we know, broader, more progressive taxes and
7 fees available -- then we will not be changing
8 the equation for taxpayers in our state.

9 This legislation takes away local
10 control of municipal and school budgets which I
11 think we all know is fundamental in our state.
12 The state-imposed tax cap is telling us what is
13 best for our community. The state seems to be
14 protecting us from ourselves with a property tax
15 cap that really doesn't cut costs.

16 And interestingly enough, our local
17 school budgets in the last three years, I'm sure
18 you've all noticed, have basically not exceeded a
19 2 percent tax levy increase. So our local school
20 boards are actually doing what we want done.

21 In conclusion, I believe this bill
22 is going to quickly increase the educational
23 inequities which are based on income and
24 zip code. I think in five years, when this
25 expires in New York State, people are not going

1 to see lower taxes. I think their taxes will be
2 going up, albeit at 2 percent a year. But what
3 they will see is the negative impact that this
4 has on their schools and also on their municipal
5 services.

6 So I'm voting yes because this is a
7 comprehensive bill. But I think much more should
8 be done on the tax cap. Thank you.

9 THE PRESIDENT: Thank you, Senator.
10 Senator Oppenheimer will be recorded
11 in the affirmative.

12 Next, Senator Espaillat to explain
13 his vote.

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

16 As the ranking member of the Senate
17 Housing Committee, it has been my great privilege
18 to fight to keep millions of New Yorkers in their
19 homes. It has been a tough battle. And I want
20 to thank many of my colleagues; also, the chair
21 of the Housing Committee, Senator Young, for her
22 collegiality.

23 And week after week, month after
24 month, we have worked with tenants, advocates,
25 elected officials and spoken to anyone who would

1 listen, telling them one simple message:
2 New York cannot afford to lose more affordable
3 housing. Between this economic recession that
4 just doesn't seem to end and the massive cuts to
5 social safety net programs, middle-class and
6 working-class families have been battered over
7 the last decade. They simply cannot take another
8 major blow.

9 After billions of dollars spent by
10 wealthy landlords and their allied special
11 interests, after a strong grassroots campaigning
12 by tenant advocates, we have a rent regulation
13 bill that has some improvements but still leaves
14 too much to be desired.

15 The good. Contrary to what many may
16 say, government does have a role in making sure
17 families have access to affordable housing.
18 That's why it's so critical that we did not let
19 rent regulations permanently expire. A permanent
20 expiration would have meant the deregulation of
21 over 1 million apartment units in New York City,
22 including 79,000 in my district. For the first
23 time since 1993, we have a rent regulation
24 extension that does not weaken tenant laws.

25 Despite the well-funded campaign of

1 half-truths and distortions by those who seek to
2 end rent stabilization, rent regulations
3 survived. And that is a good thing for all
4 New Yorkers. In fact, there are elements of rent
5 regulations that actually were strengthened.

6 The vacancy threshold will be
7 increased from \$2,000 to \$2,500, an increase that
8 will allow more families to remain in affordable
9 units.

10 The legislation will limit the
11 number of times landlords can collect the vacancy
12 bonus to one time per year. Individual apartment
13 improvement practices will be reformed to make
14 them more tenant-friendly.

15 For large buildings, the increases
16 will be reduced from 1/40th of the costs of
17 improvement to 1/60th. If the rent increase from
18 the IAI improvement adds more than 10 percent to
19 the legal regulated rent, the landlord must get
20 the increase approved by HCR.

21 Additionally, this rent regulation
22 bill does not affect the Roberts ruling, which
23 established that any deregulation of rent
24 stabilized units that occurred while the landlord
25 was receiving a J-51 tax credit is unlawful.

1 The bad. Despite our best efforts,
2 the rent-regulation bill does not repeal vacancy
3 decontrol, and that's simply wrong. Throughout
4 this debate I have been joined by the tenant
5 advocates in calling for serious reforms to major
6 capital improvement practices. Improvements made
7 to apartment buildings should be paid for, but
8 tenants should not have to pay an increased rent
9 long after the cost of the improvement has been
10 recovered.

11 This bill does not even begin to
12 address MCI reforms and the abuses that hit the
13 tenants every year in their pocketbook. There's
14 no real reform of preferential rent practices,
15 another tool used by landlords to hike the rent
16 and squeeze families out of their homes.

17 The bill does not protect families
18 living in Mitchell-Lama housing and Section 8
19 housing, a failure that will cause
20 disproportional harm to communities of color.

21 Over the past six months we have
22 fought tooth and nail to bring attention to this
23 issue of rent regulation which affects over
24 2.5 million New Yorkers. I am proud of the fight
25 we have waged and our mission to keep New Yorkers

1 in their homes.

2 In a testament to the power of
3 special interests, the influence of money and the
4 shortcomings of our system, my bill to strengthen
5 and extend rent regulation was not even
6 considered for debate here in the Senate. As a
7 result of this closed system, we got a bill that
8 makes some progress but doesn't nearly come close
9 to getting the results New York City tenants want
10 and desire.

11 Tonight I pledge to New York City
12 tenants that though we may have to settle for an
13 imperfect bill, we will be back. We will
14 strengthen rent regulations, stabilize our
15 communities, and pave the road for a strong, more
16 prosperous state that protects all of its
17 residents.

18 We know that by taking some
19 administrative action we will be able to do some
20 enforcement, including making landlords submit
21 contracts, checks, et cetera, to have the amount
22 of improvements verified by HCR. That new
23 tenants get notice and choice to comment on DHCR
24 decisions. All these efforts of enforcement
25 could be achieved.

1 But having said the bad in this
2 bill, and having 79,000 units of housing in my
3 district that will be impacted by the negative
4 part of this bill, I am compelled to vote in the
5 negative.

6 Thank you, Mr. President.

7 THE PRESIDENT: Thank you, Senator.

8 Senator Espallat will be recorded
9 in the negative.

10 Next, Senator Rivera to explain his
11 vote.

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

14 I have voted against property tax
15 caps on the floor of the Senate before. I did it
16 then because I believe that the policy does not
17 really address the issue of costs in localities.
18 Which is why I'm glad that we are including
19 mandate relief in this particular piece of
20 legislation. I do hope that it does what it
21 needs to do for the districts that the folks
22 across the aisle and some of my colleagues on my
23 side of the aisle represent.

24 The main concern for me in this
25 particular bill is rent regulation. I have

1 72,000 units in my district; that is hundreds of
2 thousands of New Yorkers. And we have been
3 debating for the last couple of months on what
4 was going to be the final result, what was
5 actually going to come out at the end.

6 As Senator Espaillat pointed out,
7 there were many battles that we fought over the
8 last couple of months, and I have to say that I'm
9 somewhat disappointed by the final result.
10 However, I will be voting in the affirmative.
11 The reason for that is that I do believe that we
12 have made some advances.

13 First of all, the people in my
14 district as well as all across New York State in
15 the over 1 million units of rent-stabilized
16 apartments will be protected. There will be
17 certain -- and I won't get into the specifics; I
18 believe that Senator Espaillat definitely got
19 into the specifics. All of these things will
20 give us a little bit more time to actually, I
21 believe, come back and really reform rent
22 regulation.

23 For me this is an important issue,
24 not only because I live in one of these
25 apartments, but because 72,000 units in my

1 district need to be protected. So I will be
2 voting in the affirmative for that particular
3 reason.

4 And I also will be voting in the
5 affirmative, hoping that when it comes to the tax
6 cap and mandate relief that it does for your
7 districts what you believe it will do. Hopefully
8 it does. I do not believe it will. But I do
9 believe that we need to move forward and see
10 whether we can actually get the changes that we
11 need so that your districts can be protected and
12 the homes in your districts can be protected and
13 the homes in my district can be protected as
14 well.

15 I'll be voting in the affirmative,
16 Mr. President.

17 THE PRESIDENT: Thank you,
18 Senator.

19 Senator Rivera will be recorded in
20 the affirmative.

21 Before we go on, I'd ask the
22 indulgence of all the Senators. We have a
23 growing, growing list of those who want to
24 explain their vote. If I can just ask if we
25 could keep it to two minutes, that would be very

1 helpful. Thank you.

2 And next, Senator Klein to explain
3 his vote.

4 SENATOR KLEIN: Thank you,
5 Mr. President.

6 I rise today in support of this
7 comprehensive piece of legislation.

8 First, it continues rent regulations
9 in the State of New York, which is something
10 that's important to the hardworking tenants that
11 I represent, giving them the ability to renew
12 their lease, the warranty of habitability, code
13 enforcement, so many things that will ensure that
14 tenants have quality of life in their
15 apartments.

16 It also includes a property tax cap,
17 something that I worked very hard on over the
18 last two years to ensure that my constituents in
19 Westchester County, who are the most taxed, get
20 some relief.

21 I really want to thank the
22 leadership for putting this forward and finally
23 making this a reality. It's been a long road.
24 But finally taxpayers around the State of
25 New York will get the relief that they deserve.

1 I'll say it once, I'll say it
2 again: I don't think it's too much to ask a
3 school district or a local government to live
4 within their means, to tighten their belt. We're
5 asking taxpayers in the State of New York to do
6 that each and every day.

7 And what we've produced today I
8 believe is the strongest, most comprehensive tax
9 cap anywhere in the country, far stronger than
10 our neighboring state of New Jersey. It's a
11 2 percent cap, 60 percent to override the cap.
12 If the cap -- in other words, if the budget does
13 not pass, it goes to a zero, which is lower than
14 the 2 percent.

15 And I think one of the things we
16 need to understand as well, that we can't reduce
17 property taxes in a vacuum. There has to be a
18 comprehensive approach. So besides having the
19 cap, we're also giving mandate relief to both our
20 local governments and our school districts.

21 I think the result finally will be
22 an important first step in reducing the taxes,
23 property taxes to our taxpayers all over the
24 State of New York. I vote yes, Mr. President.

25 THE PRESIDENT: Thank you, Senator.

1 Senator Klein will be recorded in
2 the affirmative.

3 Next, Senator Carlucci to explain
4 his vote.

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

7 There's no question that people
8 throughout New York State are really struggling.
9 Wherever I go in the Hudson Valley, I hear the
10 same over thing over and over again. Whether
11 it's a young family that's worrying about hanging
12 onto their job or suffering from a recent job
13 loss, or it's a senior that's lived in their
14 house for decades and is worried about paying
15 their spiraling, out-of-control property taxes.

16 This legislation is so important
17 because it addresses so many of these factors.
18 First, by capping property taxes, we're giving
19 that certainty to those people paying property
20 taxes by stabilizing them, but also sending an
21 important message to every state, every nation on
22 this planet that New York is open and ready for
23 business.

24 But most importantly, we get the
25 ball rolling in the direction of mandate relief,

1 something that's so important to our educators,
2 to our municipalities, to give them the tools
3 that they need to have the most effective, most
4 cost-efficient system possible.

5 So I believe this is extremely
6 important. And it's not perfect, but it gets the
7 ball rolling in the direction where we need to
8 go, to return the State of New York to the
9 Empire State, make sure our children get the best
10 education possible, make sure we can attract
11 quality employers to the State of New York and
12 put New Yorkers to work.

13 So, Mr. President, I'll be
14 supporting this package and I will be voting in
15 the affirmative. Thank you.

16 THE PRESIDENT: Thank you,
17 Senator.

18 Senator Carlucci to be recorded in
19 the affirmative.

20 Next, Senator Krueger to explain her
21 vote.

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

24 As this has been described, it's a
25 large and complex bill. And I share views of

1 different people who have spoken already. I have
2 the same concerns as Senator Espaillat: It
3 doesn't go nearly far enough in what we needed to
4 do in affordable housing and in rent regulation.

5 But I view it as a down payment on
6 where we need to go by the new Governor. And I
7 believe that as the year moves forward, as the
8 second year of his administration moves forward,
9 we will get stronger protections, more
10 enforcement.

11 And again, it's a step. It's a
12 first step. And I'm comfortable with that. It's
13 not what I would have loved, but I'm comfortable
14 with that.

15 Then you heard about the mandate
16 relief. And again, I represent parts of New York
17 City. And most of the sections of the bill
18 involving mandate relief will probably have more
19 impact outside the City of New York than in the
20 City of New York. But I hear the same issue as
21 many of my colleagues throughout the state. We
22 need to evaluate the different mandates we've put
23 into law over the years.

24 And I'm a big believer in doing
25 constant oversight and constant reevaluation of

1 whether the laws we put into effect in some point
2 in history actually make sense in the
3 21st century. So the fact that I think the
4 mandate relief sections of the bill will increase
5 our discussions I also think is good.

6 But I share my colleagues' views
7 that tax caps are really not the panacea we think
8 they are. And while New York City is exempt from
9 this tax cap, making it more reasonable for me to
10 feel comfortable voting for the bill, for the
11 record what it will do is squeeze local
12 communities' ability to pay for their education
13 over the years. They will then in turn come back
14 to the State of New York demanding that the state
15 give them more school aid.

16 And there is where I am concerned
17 that the Big Five cities will actually find that
18 the commitments of school aid to them will
19 decrease as the state must fill in the gaps that
20 are being built at the local level.

21 So I don't think it's a great bill.
22 I think it raises lots of new questions and
23 changes for us as a state in the coming years. I
24 think we'll be up to it. I will be voting for
25 the bill.

1 Thank you, Mr. President.

2 THE PRESIDENT: Thank you, Senator.

3 Senator Krueger to be recorded in
4 the affirmative.

5 Next, Senator Stewart-Cousins to
6 explain her vote.

7 SENATOR STEWART-COUSINS: Thank
8 you, Mr. President. So much of what I wanted to
9 say has been said, but I think it's worth
10 repeating.

11 I have one of the most unusual
12 districts because I have one of the Big Five
13 cities. I have 10 villages, I have two towns.
14 And whether we're talking about rent and rent
15 control and the importance of keeping over
16 40,000 units of rent-controlled units in
17 Westchester available and there so that people
18 have security in the fact that they will have a
19 decent place to live, that's incredibly important
20 to me.

21 Have we gone far enough? No. Can
22 we go farther? Yes. And I, like my colleagues,
23 believe with the cooperation not only of all of
24 us here but of a Governor who understands how
25 important affordable housing is, we cannot only

1 do better, but we can do more. And we will.

2 Since I've been here, mandate relief
3 has been a priority. Local governments, making
4 sure they function is certainly a priority. We
5 have mandate relief here. Is it far enough?
6 No. But I am happy that some of the things at
7 least that I championed, whether it was
8 information sharing, whether it's piggybacking
9 and the fact that there will be an opportunity
10 for local governments to go to a mandate relief
11 council where they can get redress and assistance
12 in lowering their mandates every single day,
13 that's important. And that's a very valuable
14 first step.

15 I wish we had required fiscal notes
16 on our bills. I think that would have been a
17 little helpful as well. But the fact that we are
18 doing as much as we are doing, providing over a
19 hundred million, almost \$200 million in mandate
20 relief locally is certainly a laudable first
21 step.

22 I know my school districts, as
23 Senator Oppenheimer mentioned and as Senator
24 Krueger mentioned, will be stressed. And I think
25 that, again, we cannot pretend that we are doing

1 all we can to make sure that everyone receives
2 the education that they are deserving of. And
3 that we as a state keep our promises, because so
4 much of the mandate relief comes from us keeping
5 our promises to these educational facilities.
6 That's what we need to do.

7 But anyway, I am certainly happy. I
8 know this was difficult. I think that, again,
9 we've done some tremendous first steps. And I
10 look forward to continuing lowering the taxes,
11 making sure our rents are stabilized and people
12 can afford their living facilities, their housing
13 arrangements, and certainly making sure that
14 mandate relief in education continues to be
15 number one.

16 Thank you.

17 THE PRESIDENT: Thank you, Senator.

18 Senator Stewart-Cousins to be
19 recorded in the affirmative.

20 Senator Diaz to explain his vote.

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

23 I'm going to join my colleague
24 Senator Adriano Espaillat in voting against this
25 bill.

1 Mr. President, tonight -- tonight is
2 going to be long, I believe. And you already
3 heard Senator Gustavo Rivera say that he very few
4 times agrees with me. You're going to hear that
5 tonight, many people never agree with me. And I
6 tell you why, Mr. President. Because I believe
7 in that saying that says the poor get poorer and
8 the rich get richer.

9 And I'll tell you what. This is a
10 bill that we are voting today. But we are not
11 voting for one bill, we are voting for three in
12 one. This bill includes one bill on capping the
13 property taxes, another bill included here
14 dealing with mandate relief, and there's another
15 bill included in here dealing with rent laws.

16 So all the three included in here is
17 meaning that everyone that votes yes, what are we
18 voting when we're voting yes? We're voting yes
19 to kill the children's education in our
20 communities. We could stand here and explain
21 everything, how we do blah, blah, blah, blah,
22 blah, blah. When we're voting yes, we are
23 killing children's education relating to capping
24 the property taxes.

25 If we're voting yes in the rent

1 laws, we are voting to make the rich richer. So
2 we are -- something that Senator Espallat says
3 was that we're also extending the protection for
4 those people that make \$175,000, those that live
5 on Fifth Avenue, that make \$175,000 and their
6 rent is protected, now we extended it to
7 \$200,000. Doña Juana and don Pepe in my
8 community don't make that kind of money.

9 So I have to say that I didn't come
10 here to fight for the people in Fifth Avenue and
11 to fight for those other people. I came here to
12 fight for doña Juana and don Pepe in my
13 community. And those are the ones that I'm
14 protecting. And I'm not going to vote yes to cut
15 education and to hurt the education on the
16 children. And I don't want to vote yes to give
17 people that make \$175,000, to increase that to be
18 protected to \$200,000.

19 So Adriano, I'm joining you because
20 this bill is killing our community. There's
21 nothing protected in the rent law for the --
22 nothing the -- if somebody is protected here,
23 again, are the rich.

24 So Mr. President, I'm voting no with
25 dignity.

1 THE PRESIDENT: Thank you, Senator.

2 Senator Diaz will be recorded in the
3 negative.

4 Next, Senator Martins to explain his
5 vote.

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

8 I rise to support this bill, and
9 I'll be voting aye with dignity as well.

10 As I walk through my district,
11 whether it's Port Washington or Great Neck or
12 Manhasset or Mineola or Elmont, time and again
13 people have told us we have to enact this bill,
14 provide relief in the form of a property tax
15 cap.

16 It provides discipline to our local
17 governments. And people have spoken about how,
18 in our local communities, this year they've
19 enacted budgets at 2 percent, some over
20 2 percent, but with more than that 60 percent
21 threshold.

22 That's what this bill does. It
23 provides fiscal discipline, it provides an
24 opportunity for our local governments and school
25 districts to remember and the residents of our

1 communities to remember that we do have to have
2 fiscal discipline during these tough times. So
3 anyone who goes beyond that 2 percent, which
4 happened during this last cycle, does have to
5 explain themselves. There is a heightened sense
6 of scrutiny. And I applaud that.

7 I believe that this is essential, as
8 we go forward, to achieving that economic
9 recovery that we all talk about -- creating jobs,
10 incentivizing businesses to reinvest in our
11 communities as we move forward.

12 Now, we've spoken about the need to
13 lower taxes. And key to lowering taxes is our
14 focus on mandate relief. And I am proud of the
15 fact that we have \$127 million worth of mandate
16 relief in this bill. I'm especially proud of
17 that council and the mandate relief council that
18 has been included in this bill, because that
19 council will have the potential to provide
20 billions of dollars of tax relief to our local
21 communities as our communities reach out to this
22 council for relief from regulations and statutes
23 as we move forward.

24 And I want to applaud the Governor
25 for his leadership in making sure that this

1 council was part of this bill, because it
2 provides the flexibility that we need.

3 But this council is a first step.
4 This mandate relief that is mentioned in this
5 bill is a first step. We need to do more so that
6 five years from now we just haven't accepted the
7 fact that taxes are increasing at 2 percent per
8 year but we've done our part to ensure that our
9 taxpayers across New York State are given real
10 tax relief in the form of getting Albany and
11 state mandates off of their backs.

12 And I will commit with my colleagues
13 to continue to work towards that end, and I know
14 that we will continue to work with the Governor
15 towards that end as well.

16 I happen to live and represent one
17 of those districts that does have not only dozens
18 of local governments but also has rent-controlled
19 apartments. And I see this bill as being a
20 wonderful compromise, not only extending the
21 affordability of housing for those who live in
22 our rental communities but also recognizing that
23 those who live in our suburban communities are
24 entitled to and must have real property tax
25 relief and serious real property tax relief.

1 For those of my colleagues that live
2 in urban areas, that live in New York City that
3 are not impacted by a tax cap and may not
4 necessarily see the benefit of a tax cap, I urge
5 you to reconsider. Listen to our colleagues
6 across New York State that need tax relief and
7 have asked for this tax cap.

8 This is a good bill, and I'm proud
9 to support it. Thank you, Mr. President.

10 THE PRESIDENT: Thank you, Senator.
11 Senator Martins will be recorded in
12 the affirmative.

13 Next, Senator Nozzolio to explain
14 his vote.

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

17 Mr. President and my colleagues, I
18 rise in support of this legislation, the
19 legislation to cap property taxes and establish
20 mandate relief.

21 Mr. President, within the last
22 90 days this Senate has taken two very important
23 steps to put our state back on the road to
24 economic recovery. The first was establishing an
25 on-time budget, we have no new taxes, that cut

1 spending, actually decreased spending from the
2 year before, and established a very good
3 foundation for reforming the Medicaid system.

4 This action we're taking tonight is
5 the second step, an important step, to cap
6 property taxes, to provide needed mandate relief
7 to local governments and school districts to cut
8 their costs.

9 Our citizens are facing tremendously
10 horrendous economic challenge. New York State by
11 all accounts is on the precipice of economic
12 doom. We think, though, with the actions taken
13 these last quarter of a year, 90 days, that the
14 signal has gone forth that New York does mean
15 business once again, that New York will be a
16 haven to be open for business, and that those who
17 provide jobs will say yes, we want to keep our
18 jobs in New York State; to those who may be
19 thinking about expanding in other states, that
20 New York will be competitive again to have those
21 environments necessary for job growth to exist.

22 Mr. President, this is in most areas
23 of the state, and particularly our area of the
24 Finger Lakes region, graduation weekend for the
25 students in our high schools. Those students are

1 going on to college or finding a trade, but many
2 are faced with whether or not they will stay in
3 New York, whether there will be opportunities in
4 New York for them to build a future and raise a
5 family.

6 We hope these steps taken today and
7 taken over this last legislative session will
8 provide hope that families will have jobs in
9 New York, jobs will stay in New York, and that
10 jobs will grow in New York State as a result of
11 establishing good budgetary items reforming
12 expenditures in this state and capping tax growth
13 and establishing mandate relief to cut costs.

14 That's what I'm proud to support,
15 Mr. President, and hope that this measure is just
16 another step on a continuing road to economic
17 recovery for the State of New York.

18 Thank you, Mr. President.

19 THE PRESIDENT: Thank you, Senator.

20 Senator Nozzolio will be recorded in
21 the affirmative.

22 Next, Senator Parker to explain his
23 vote.

24 SENATOR PARKER: Thank you,
25 Mr. President. To explain my vote.

1 First let me just begin to thank the
2 Governor, my colleagues in this chamber and the
3 members of the Assembly for the hard work on this
4 bill.

5 There are actually four distinct
6 parts of this bill. There's renewal of the
7 rent-regulation laws, there is a property tax
8 cap, there is a mandate relief portion and 421a.
9 And, you know, I understand how hard it was to
10 get to this point, and certainly I appreciate my
11 colleagues' hard work.

12 I particularly want to thank
13 Senator Espaillat for his work on behalf of the
14 tenants of the State of New York and thank for
15 his great analysis. I want to actually associate
16 myself with his remarks and with the details in
17 which he explained about the rent part of this
18 bill.

19 I get that it was hard, but we
20 didn't go nearly far enough for tenants. And we
21 did not nearly provide the kinds of protections
22 that tenants need. And again, I'm not going to
23 go on in my limited to time to kind of recap what
24 Senator Espaillat talked about. But like I said,
25 I want to associate myself with his remarks.

1 But the other part is that, you
2 know, housing is the most important thing that
3 you can do for people as it relates to education,
4 as it relates to their health, as it relates to
5 mental health, you know, as it relates to just
6 people's opportunities in life. Nothing more
7 important than housing.

8 And so the rent regulation laws
9 being renewed and certainly making sure that
10 people can afford their property taxes is
11 important. But we're frankly going about it the
12 wrong way as we look at mandate relief and
13 property tax caps.

14 Property tax caps are not going to
15 provide -- and people should be clear about
16 this. This bill, for everybody who's paying
17 attention, is not going to provide any relief to
18 your property taxes immediately. Not at all.
19 The only thing it's going to protect you from is
20 possible raises. The question is even whether
21 the mandate relief will provide any actual relief
22 to your property taxes or any other taxes. And
23 I'm not clear that's going to do it either.

24 There were some other ways that we
25 could have gone about this. This is the right

1 issue, Mr. President, but the wrong solution. We
2 certainly could have done a circuit-breaker which
3 would have provided some significant relief
4 immediately, particularly for those needy people
5 who have high bills right now.

6 The other thing that we could have
7 done and we should have done -- which the
8 Governor campaigned on, and I wish and hope that
9 he will come back to in the next session -- is
10 the consolidation of the 10,000 governments that
11 we have in this state.

12 Myself and Assemblyman Cahill have a
13 Berger Commission bill that would look at the
14 consolidation of school districts. We have some
15 ridiculous 7,000, 8,000 school districts in the
16 State of New York. It's unnecessary in
17 62 counties.

18 And if New York City can have one
19 school district in the largest city in America,
20 certainly we can create some economies of scale
21 in some of the other 62 counties that we have.
22 And that would have been certainly a better
23 method of saving property tax dollars and
24 lowering people's cost of living so they can
25 maintain their homes.

1 And so I'm forced to vote no on this
2 because it really doesn't take us in the right
3 direction, and hope that in the future, as
4 Senator Krueger has indicated, that we'll get
5 another bite at the apple of doing the right
6 thing for tenants in this state.

7 THE PRESIDENT: Thank you, Senator.
8 Senator Parker will be recorded in
9 the negative.

10 Next, Senator Kennedy to explain his
11 vote.

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

14 This is a historic night in this
15 chamber. It's a historic night for so many
16 reasons. It's a historic night in part because
17 of this comprehensive reform package that we're
18 putting forward. A landmark legislative
19 agreement, think about it. Property tax cap,
20 mandate relief, and rent control. Things we've
21 all been talking about, both sides of the aisle,
22 upstate and downstate, all year long. All
23 culminating in this fantastic bill.

24 I commend Governor Cuomo for his
25 determined leadership in moving this forward. I,

1 like Senator Martins, went out all last year
2 talking on the front porches, at the homes of
3 people within my district. And to a man and to a
4 woman, they would say the property taxes in
5 New York State are strangling our community,
6 they're strangling our economy. We need relief,
7 we need relief now.

8 This bill gives property homeowners
9 throughout New York State the relief that they
10 need and that they deserve. We're making good on
11 our commitment to bring that property tax relief
12 to the homeowners in New York State. We're
13 making our promises and turning them into
14 policy. And we are taking our words and putting
15 them into action.

16 We are moving New York State
17 forward. We are providing property tax relief
18 across New York State. And we are taking a step
19 in the right direction, also, with serious
20 mandate relief.

21 I want to commend the ranking member
22 of Local Governments, Senator Andrea
23 Stewart-Cousins, who recognized that without
24 mandate relief in a comprehensive manner,
25 property tax caps cannot be put in place. That

1 is why this comprehensive reform package makes
2 sense.

3 Thank you.

4 THE PRESIDENT: Thank you, Senator.

5 Senator Kennedy will be recorded in
6 the affirmative.

7 Next, Senator Gallivan to explain
8 his vote.

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

11 Tonight, as we've done many times so
12 far this year, in contrast to the past several
13 years, we are delivering the type of results our
14 constituents expect and deserve. You've heard it
15 before, but we're on the cusp of producing the
16 first significant piece of comprehensive property
17 tax reform in generations.

18 That is a reform that will place
19 meaningful controls on the ever-increasing costs
20 of owning a home, raising a family or running a
21 business in New York State. Nothing could be
22 more important to the working families and
23 businesses in my district and in many of yours.

24 We're also providing mandate relief
25 to local governments and school districts,

1 addressing 33 different items and saving our
2 school districts and local governments
3 \$127 million.

4 For my constituents, controlling
5 spending, controlling property taxes and working
6 to foster an environment that will lead to the
7 creation of private-sector jobs are my priorities
8 and their priorities.

9 Certainly more works needs to be
10 done. But when you look at what we've done so
11 far this year -- a responsible budget, SUNY 2020,
12 this bill -- we're going in the right direction.
13 I vote in the affirmative.

14 THE PRESIDENT: Thank you, Senator.
15 Senator Gallivan to be recorded in
16 the affirmative.

17 Next, Senator O'Mara to explain his
18 vote.

19 SENATOR O'MARA: Thank you,
20 Mr. President.

21 This property tax cap is a solution
22 to our rising property taxes, but it's a solution
23 to a problem that's been created by the State of
24 New York, by the State Legislature, over decades
25 of unfunded mandates being piled upon our local

1 governments. The property tax levies have gone
2 up to keep these mandates going.

3 We're taking a small step in the
4 right direction today with the mandate relief
5 we're providing, but we've got a long ways to
6 go. As Senator Kennedy says, property taxes have
7 been strangling our communities. This property
8 tax cap can very well strangle our local
9 governments if we don't provide the meaningful
10 mandate relief that needs to follow this.

11 And it's proven to be very
12 difficult. The tax is easy to say let's cap it
13 at 2 percent. But we've seen the amount of time
14 we've struggled over these past five months to
15 come up with mandate relief. And it's been
16 difficult to get to the point where we are today
17 in this legislation.

18 And the difficult decisions, we're
19 putting them on yet another new commission that
20 we hope will come up with the solutions that
21 we've been unable to come up with ourselves. We
22 need to go further. The counties alone, their
23 increases on the nine major mandates are going to
24 go up by an estimated \$280 million this year
25 alone. A 2 percent property tax limits the

1 increase in levies to \$90 million. That leaves
2 quite a gap between where they are and where
3 we're giving them with the relief we have.

4 And cuts need to be made at all
5 levels of government. But we need to make sure
6 we follow through with further mandate relief for
7 our local governments so that we can provide the
8 consistent government that we need for economic
9 development in this state, to provide the surety,
10 as we've provided with the budget we've done this
11 year, on time and cutting our deficit, lowering
12 spending, with the Energize New York plan we did
13 to provide consistency of low-cost power for our
14 manufacturers in this state, and capping taxes so
15 there's a consistent future of where their tax
16 growth will go.

17 But we need to make sure that we can
18 provide our essential services at the local level
19 which are being strangled out by the unfunded
20 mandates. We need to make sure we're able to
21 provide law enforcement protection in our
22 communities through our sheriff's departments.
23 We need to make sure we're able to provide the
24 appropriate funding for our schools to provide a
25 good education that won't be strangled by the

1 property tax cap.

2 We have a long ways to go. I will
3 vote in favor of this legislation tonight, but
4 our work is just beginning in this regard.

5 Thank you.

6 THE PRESIDENT: Thank you, Senator.

7 Senator O'Mara to be recorded in the
8 affirmative.

9 Next, Senator Perkins to explain his
10 vote.

11 SENATOR PERKINS: Thank you very
12 much.

13 I want to vote no on this bill,
14 particularly because of the fact that it
15 represents the slow death of affordable housing
16 in my community and in New York City.

17 I know that there are aspects of it
18 that suggest some moments of preservation and
19 continuation, but the reality is, as was pointed
20 out by my colleague Senator Espaillat, that
21 sooner than later, that which we are temporarily
22 preserving will fall out of the ability of my
23 constituency and a lot of folks in New York City
24 to be able to afford to live in this housing.

25 And I came here to increase the

1 affordability of housing for folks in my
2 community and New York City, and this particular
3 piece of legislation does quite the opposite.
4 And I would hope that, as per some of the
5 meetings that we've had with the Governor, that
6 we will be able to move forward towards that end
7 that we have come here for. And that the folks
8 in my district and New York City in particular
9 will be relieved of the anxiety that they're
10 going through every day as a result of the rent
11 regulations that are continuously being
12 undermined.

13 So I vote no on this particular
14 piece of legislation.

15 THE PRESIDENT: Thank you, Senator.
16 Senator Perkins to be recorded in
17 the negative.

18 Next, Senator Squadron to explain
19 his vote.

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

22 You know, if you like the way
23 New York City works today, if you think New York
24 City is fundamentally a good place, then you
25 believe in rent regulations. It's a big part of

1 who we are in New York City. And extending those
2 rent regulations was the critical job of this
3 Legislature this year.

4 I also believe that expanding those
5 regulations was a critical job of this
6 Legislature.

7 This bill does not do everything
8 that I thought we had to do to protect affordable
9 housing, to protect middle-class housing, to
10 protect diversity in the City of New York. But
11 there's also no doubt that it does take some
12 steps forward.

13 I am particularly proud that a
14 provision that I have carried to increase the
15 amortization and decrease the rent increases from
16 individual apartment improvements is in this
17 bill. I am pleased that we are going to be
18 deregulating fewer apartments than we otherwise
19 would, though I wish we were deregulating fewer
20 still.

21 I know this is a very, very big bill
22 with a big ugly name with lots for people across
23 the state to be happy about, disappointed about.
24 There's no doubt it is an absolutely critically
25 important bill to be getting done here in this

1 late hour on a Friday night in June.

2 I don't believe that we can allow
3 the perfect to be the enemy of the good. I
4 believe that preserving rent regulations,
5 expanding them in some key ways, fulfilling many
6 of the promises that were made by many members of
7 this house is important. Though it is not a
8 perfect bill, I vote yes, Mr. President.

9 THE PRESIDENT: Thank you, Senator.
10 Senator Squadron will be recorded in
11 the affirmative.

12 Next, Senator Saland.

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

15 Mr. President, there's any number of
16 issues that bring people here to the State
17 Capitol. The issues, however, that are the
18 dominant issues, the ones that I hear about day
19 in and day out, have to do both with the
20 ever-increasing burden of property taxes, the
21 desperate need to create jobs and to curb state
22 spending.

23 You may recollect that the first
24 bill that this house did at the beginning of this
25 year was a bill which capped property taxes.

1 That bill was a bill that this house had been
2 pushing for a number of years and this majority
3 had been pushing for a number of years, always in
4 search of a partner. We found that partner in
5 Governor Cuomo. And now, at the end of the day,
6 the Assembly has at long last joined us.

7 So this is an historic moment. And
8 it's an historic moment because we've managed to
9 accomplish that end, we've managed to impose a
10 tax cap. We have managed to provide mandate
11 relief, albeit not as rich of a mandate relief
12 package as this house was prepared to do. Again,
13 time and again, we've passed mandate relief bills
14 that would provide enormous benefits to local
15 districts as well as municipal and county
16 governments. But this is about curbing taxes,
17 creating jobs, getting the burden of taxes off
18 the backs not merely of homeowners but of the
19 business community as well.

20 If nothing else were done during
21 this session, this would be an extraordinary
22 accomplishment of epic proportion. And yet we
23 all know there's more to do, particularly in the
24 realm of mandate relief. Hopefully we will be
25 assisted by the soon-to-be-created mandate relief

1 commission. But it is an ongoing battle, and we
2 will ultimately manage to attain an even better
3 mandate relief product.

4 Thank you, Mr. President. I will be
5 voting in the affirmative.

6 THE PRESIDENT: Thank you, Senator.
7 Senator Saland to be recorded in the
8 affirmative.

9 Senator Farley to explain his vote.

10 SENATOR FARLEY: Thank you,
11 Mr. President.

12 As I rise, I've served in this house
13 for 35 years, perhaps longer than most of the
14 gallery has been born. The point that I want to
15 make here, this is a massive bill and I'm only
16 going to speak to one part of it. Because in all
17 of these years that I've been here, mandates have
18 been a dirty word. It's something that they've
19 always tried to address and do something about,
20 and really nothing has been done about it.

21 And this particular area that people
22 are calling modest -- and it is modest from the
23 point of view that it's only a hundred and some
24 million that is done. But there's a lot of
25 little things that are annoying that are in there

1 that don't cost up a lot of money.

2 But actually what we have done with
3 this is to set the stage. There's a council that
4 is going to be able to address all kinds of
5 mandates that this Legislature has not had the
6 courage to address. It's remarkable what can be
7 accomplished with this. It's a very exciting
8 program that we put forward in this massive bill,
9 particularly in the mandate area.

10 And I think it's really going to
11 make a difference for local government. When we
12 put a cap on it, that's all they say, is where is
13 the mandate relief, where's the mandate relief.

14 Well, we're sending mandate relief.
15 There's going to be a lot more coming. I think
16 this is a great bill, and I'm going to vote aye.

17 THE PRESIDENT: Thank you, Senator.

18 Senator Farley will be recorded in
19 the affirmative.

20 Next, Senator Ball to explain his
21 vote.

22 SENATOR BALL: Many times, at least
23 in the time that I spent in the New York State
24 Assembly, I made a lot of friends by standing up
25 and saying that this is the nation's most

1 dysfunctional legislature.

2 And this year has been quite
3 interesting. I've got to say that many times
4 when I'm about to vote, I think back to the days
5 when I was going door to door. And I can't tell
6 you the number of times that I would walk into a
7 home and many times see a senior citizen, many
8 times a widow, and she would ask me to come into
9 her home and you'd see a room full of paperwork.
10 And she would talk about how she was going to
11 downsize her home and sell her home.

12 And the number of people who are
13 leaving this state, those who are under 35 or if
14 you're over 60, being literally forced out of the
15 state. My own parents, we grew up in a
16 basement. My parents, paycheck by paycheck,
17 built our home. And when I was at the United
18 States Air Force Academy, because they knew that
19 they wouldn't be able to keep up with the
20 property taxes, my parents decided to sell that
21 home.

22 For this Legislature to be able to
23 come together and do this is really a great
24 thing. And for those of you who are watching
25 today in New York State, what a testament to the

1 efficacy of government and this Legislature to be
2 able to come around on such tough issues and pass
3 such a comprehensive piece of legislation.

4 You know, I remember when I was
5 fighting for a tax cap in the Assembly -- and
6 even before that, in the campaign, and going door
7 to door and people saying there's no way you're
8 ever going to be able to get it done.

9 This is one of the toughest caps in
10 the country. It is structurally sound. And over
11 time, this tax cap will do more -- forget about
12 the social issues that divide us -- this tax cap
13 will do more to help the blue-collar families,
14 the small-business owners, the seniors and young
15 professionals that live in this state than any
16 other.

17 So I applaud this Legislature. I
18 want to thank the Majority Leader for standing
19 firm to make sure that this remain a priority for
20 this state. And what a good day for this
21 legislative body.

22 THE PRESIDENT: Thank you, Senator.
23 Senator Ball will be recorded in the
24 affirmative.

25 Next, Senator LaValle to speak to

1 his vote.

2 SENATOR LaVALLE: Thank you
3 Mr. President.

4 This Legislature has always placed
5 importance on real property taxes. And over the
6 years we have passed initiatives to deal with
7 this real property tax problem. We created a
8 same-day budget vote. We created the STAR
9 program. We did a STAR rebate program. We
10 passed a contingency budget vote on spending to
11 control spending, and a lot of other
12 initiatives. And taxes kept going up.

13 This initiative has finally
14 happened. More than 70 percent of the people in
15 our respective districts have said we need this
16 because we cannot have continuing escalation of
17 our property taxes.

18 So I congratulate our Majority
19 Leader, who has worked, made this a priority for
20 us in working with the Governor and the Speaker
21 to get this done. I vote aye.

22 THE PRESIDENT: Thank you, Senator.
23 Senator LaValle to be recorded in
24 the affirmative.

25 And that brings to a close our

1 speakers. Will the Secretary announce the
2 results.

3 THE SECRETARY: In relation to
4 Calendar Number 1544, those recorded in the
5 negative are Senators Diaz, Espaillat, Huntley,
6 Parker and Perkins.

7 Ayes, 57. Nays, 5.

8 THE PRESIDENT: On issues of tax
9 cap, rent control, mandate relief, this bill is
10 passed.

11 Senator Skelos, that brings us to
12 the end of the noncontroversial Supplemental
13 Calendar Number 60A. With your indulgence, we
14 can move right to 60B.

15 SENATOR SKELOS: Thank you,
16 Mr. President. If we could now go to Senate
17 Supplemental Calendar 60B, noncontroversial.

18 THE PRESIDENT: The Secretary will
19 read.

20 THE SECRETARY: In relation to
21 Calendar Number 1546, Senator Golden moves to
22 discharge, from the Committee on Rules, Assembly
23 Bill Number 8496 and substitute it for the
24 identical Senate Bill Number 5825, Third Reading
25 Calendar 1546.

1 THE PRESIDENT: Substitution
2 ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 1546, by Member of the Assembly Heastie, Assembly
6 Print 8496, an act in relation to livery permits.

7 THE PRESIDENT: Read the last
8 section.

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

11 THE PRESIDENT: Call the roll.
12 (The Secretary called the roll.)

13 THE PRESIDENT: Senator Diaz to
14 explain his vote.

15 SENATOR DIAZ: The industry of the
16 livery cars in the City of New York has been
17 great. Very important that that industry
18 continue working. They have put their lives in
19 jeopardy. Many of them have been killed. They
20 were not allowed to pick up passengers, yet the
21 Yellow Cabs don't come to our boroughs. And this
22 bill is doing justice to the livery car industry.

23 I understand that there are more
24 things to do. But today, Mr. President and
25 ladies and gentlemen, I will support and vote for

1 this bill, as I promised them that I would do.

2 And I'm just telling you,

3 Mr. President, that I'm voting yes.

4 THE PRESIDENT: Thank you, Senator.

5 Senator Diaz to be recorded in the
6 affirmative.

7 Senator Klein to explain his vote.

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

10 It's a pleasure to support this
11 bill. I think this for the first time puts
12 together a comprehensive approach in recognizing
13 the flourishing livery cab industry we have in
14 the City of New York.

15 One of the great things that still
16 exists in the City of New York is immigrant
17 groups that come to this country for a better
18 life, work hard and emerge and take over
19 industries. That's the case with the livery
20 industry as far as Dominican-Americans are
21 concerned.

22 I think what this does is finally
23 recognize that this is an important industry,
24 this is an industry that creates jobs, and more
25 importantly this is an industry that ensures

1 transportation in the outer boroughs. You can't
2 go any place in the Bronx, unfortunately, and
3 find a regular Yellow Cab. What people learn to
4 rely on is the livery industry, an affordable way
5 and a safe way to get around our borough of the
6 Bronx or areas of Queens, Brooklyn, Staten
7 Island -- really, every place outside of New York
8 City.

9 So it's my pleasure to vote yes for
10 this piece of legislation and say thank you to
11 the hardworking livery cab industry in our City
12 of New York.

13 Thank you, Mr. President.

14 THE PRESIDENT: Thank you, Senator.

15 Senator Klein to be recorded in the
16 affirmative.

17 Next, Senator Perkins to explain his
18 vote.

19 SENATOR PERKINS: Thank you. I
20 just want to acknowledge the unsung heroes and
21 sheroes of the livery industry when it comes to
22 my community.

23 There was a time when you couldn't
24 find a Yellow Cab in my community. And if it was
25 in the neighborhood, it was fleeing to get out of

1 the neighborhood and would not stop. And now --
2 and instead we were able to get the livery cab
3 drivers to pick up our family, our wives, our
4 mothers. And they persevered under the most
5 difficult of times when in fact it was dangerous,
6 perhaps, to be a part of that industry.

7 But they have made great
8 contributions, not only in terms of their own
9 families and their own well-being but also in
10 terms of their investment in the neighborhood.

11 And so I'm glad to be able to
12 support them at this point in time when there may
13 be some progress in terms of their establishment
14 as a more viable industry. And, you know,
15 they're doing so well that now when the Yellow
16 Cabs come, folks don't want to take the Yellow
17 Cabs, they're looking for livery cabs.

18 So I'm happy to support this
19 legislation.

20 THE PRESIDENT: Thank you, Senator.

21 Senator Perkins to be recorded in
22 the affirmative.

23 Senator Stavisky to explain her
24 vote.

25 SENATOR STAVISKY: Yes, thank you,

1 Mr. President.

2 I do commend the livery drivers.

3 But I spoke to a number of the livery cab folks
4 in my Senate district, and they have misgivings
5 about the bill.

6 Secondly, it seems to me that this
7 bill should really not be before us, it should be
8 before the City Council. To me this is an issue
9 that really should be resolved. And I hope that
10 we have more time to study this bill to try to
11 resolve some of the issues.

12 And I very reluctantly vote no,

13 Mr. President.

14 THE PRESIDENT: Thank you, Senator.

15 Senator Stavisky to be recorded in
16 the negative.

17 Senator Dilan, to explain his vote.

18 SENATOR DILAN: Yes,

19 Mr. President. I rise to support this bill today
20 at the request of the many livery drivers in the
21 City of New York and those that are in my Senate
22 district. So on their behalf, I am proud to vote
23 yes.

24 And I also would like to indicate
25 that we did receive notice or a letter of support

1 from members of the Latino, Asian and Black
2 Caucus of the City Council, who do support this
3 bill.

4 I also would like to congratulate
5 Senator Golden for presenting this law today.

6 And I'd like to congratulate all the
7 drivers. Good luck.

8 Thank you.

9 THE PRESIDENT: Thank you, Senator.

10 Senator Dilan will be recorded in
11 the affirmative.

12 Next, Senator Golden to explain his
13 vote.

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

16 To Senator Stavisky's belief that
17 this should have went through the City Council,
18 there will be in the city a commission that will
19 be set up, of which the City Council will play a
20 role, the mayor will play a role, the Senate and
21 the Assembly will play a role. It will help us
22 to codify this industry, the Yellow taxis, our
23 liveries and our black cars, and giving our
24 liveries and our black cars the ability to do
25 dual -- both street hail and base service as

1 well.

2 The TLC, obviously, our Yellow Cabs
3 have some issues, and we're going to try to work
4 through some of those issues, as well as working
5 with our livery people and our black car owners
6 as well in coming up with some corrections to
7 this bill.

8 We have a bill that is high today
9 that will be up, probably when we come back in
10 about two weeks or three weeks or whenever we
11 come back here, to codify some of the laws that
12 have to be passed that we need to pass in the
13 future.

14 This codification will allow us to
15 put that date out to January of 2012 and to give
16 that industry the ability to come together and to
17 work together in coming up with some changes that
18 will work for the entire industry -- the livery
19 industry, the Yellow Cab industry, the black car
20 industry, and of course the bankers that are also
21 concerned and to make sure that they are secured
22 in their investments and that they have made good
23 investments in the City of New York.

24 I think it's a good piece of
25 legislation, a good starting piece, and I think

1 we'll end up by January with a very dynamic,
2 codified piece of legislation -- good for the
3 city, good for the people of the City of
4 New York, and good for the industry.

5 Thank you. I vote aye.

6 THE PRESIDENT: Thank you,
7 Senator.

8 Senator Golden will be recorded in
9 the affirmative.

10 Senator Montgomery to explain her
11 vote.

12 SENATOR MONTGOMERY: Yes, thank
13 you, Mr. President.

14 I rise as a representative from one
15 of the -- what used to be outer boroughs, but it
16 is the borough that everybody wants to be coming
17 to these days. That's Brooklyn, Kings County.

18 And I must tell you that I have been
19 passed up by medallion taxis in Manhattan. And
20 certainly I've been put out of Yellow Cabs in
21 Manhattan when I told them I wanted to go to
22 Brooklyn.

23 So I cannot tell you how important
24 it is that we have an alternative system of
25 transportation. And the people who have made

1 that possible, some of them are here today. But
2 they have come to Albany to ask for this
3 legislation. And I have said to them that you're
4 the experts, you know what you need, and I'm here
5 to support that.

6 And certainly -- because every time
7 I need to go to the airport, I call a private car
8 because I know that they're going to get me
9 there. And so just in case my private company is
10 listening, I'm supporting you today, this
11 evening, with my vote. Your Senator is voting
12 yes on this legislation.

13 Thank you, Mr. President.

14 THE PRESIDENT: Thank you,
15 Senator.

16 Senator Montgomery will be recorded
17 in the affirmative.

18 Seeing no other speakers, the
19 Secretary will announce the results.

20 THE SECRETARY: In relation to
21 Calendar 1546, those recorded in the negative are
22 Senators Addabbo, Avella, Ball, Bonacic, Duane,
23 Farley, Flanagan, Fuschillo, Gianaris, Griffo,
24 Huntley, Kennedy, LaValle, Little, Marcellino,
25 Martins, O'Mara, Saland, Stavisky,

1 Stewart-Cousins, and Zeldin.

2 Ayes, 40. Nays, 21.

3 THE PRESIDENT: The bill is
4 passed.

5 (Applause from the gallery.)

6 THE PRESIDENT: {Gaveling.}

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 1547, by Senator Golden, Senate Print 5854, an
10 act to amend the Tax Law.

11 THE PRESIDENT: The bill is high
12 and will be laid aside for the day.

13 Senator Skelos, that completes the
14 noncontroversial reading of Senate Supplemental
15 Calendar Number 60B.

16 SENATOR SKELOS: Mr. President,
17 there will be a short recess for 15 minutes, and
18 we'll have a majority conference.

19 THE PRESIDENT: The Senate stands
20 at ease.

21 (Whereupon, the Senate stood at ease
22 at 8:50 p.m.)

23 (Whereupon, the Senate reconvened at
24 9:30 p.m.)

25 THE PRESIDENT: The Senate will

1 come to order.

2 And before we start, if I could just
3 ask your indulgence. We have a large crowd in
4 the chamber, and I'm going to ask just for your
5 respect and indulgence as we finish the rest of
6 our business.

7 Senator Skelos.

8 SENATOR SKELOS: Mr. President, can
9 we return to messages from the Assembly.

10 I believe there's a message from the
11 Assembly at the desk.

12 THE PRESIDENT: Messages from the
13 Assembly.

14 The Secretary will read.

15 THE SECRETARY: The Assembly sends
16 for concurrence with the following bills. On
17 motion of Senator Skelos, these bills are ordered
18 directly to third reading: Assembly Bill Numbers
19 8520 and 8354.

20 THE PRESIDENT: So ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 1548, by Member of the Assembly O'Donnell,
24 Assembly Print Number 8520, an act to amend the
25 Domestic Relations Law.

1 SENATOR DIAZ: Lay it aside.

2 SENATOR SKELOS: Mr. President, I
3 believe there's a message of necessity at the
4 desk.

5 THE PRESIDENT: There is a message
6 at the desk, Senator.

7 SENATOR SKELOS: Move to accept.

8 THE PRESIDENT: All in favor of
9 accepting the message of necessity signify by
10 saying aye.

11 (Response of "Aye.")

12 THE PRESIDENT: Any opposed?

13 (Response of "Nay.")

14 THE PRESIDENT: The message is
15 accepted.

16 The bill is laid aside.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 1545, by Member of the Assembly O'Donnell,
20 Assembly Print 8354, an act to amend the Domestic
21 Relations Law.

22 THE PRESIDENT: Senator Skelos.

23 SENATOR SKELOS: Mr. President, is
24 there a message at the desk?

25 THE PRESIDENT: There is a message

1 at the desk.

2 SENATOR SKELOS: Move to accept.

3 THE PRESIDENT: All those in favor
4 of accepting the message of necessity signify by
5 saying aye.

6 (Response of "Aye.")

7 THE PRESIDENT: Any opposed?

8 (Response of "Nay.")

9 THE PRESIDENT: The message is
10 accepted.

11 SENATOR DIAZ: Lay it aside.

12 THE PRESIDENT: Lay the bill
13 aside.

14 Senator Skelos, that completes the
15 noncontroversial reading of this calendar.

16 SENATOR SKELOS: Mr. President, if
17 we could go to the controversial reading of the
18 calendar.

19 THE PRESIDENT: The Secretary will
20 read.

21 THE SECRETARY: Calendar Number
22 1548, by Member of the Assembly O'Donnell,
23 Assembly Print 8520, an act to amend the Domestic
24 Relations Law.

25 UNIDENTIFIED SENATOR: Explanation.

1 THE PRESIDENT: Senator Duane for
2 an explanation.

3 SENATOR DUANE: What this bill will
4 do is say that we are family in a way that no
5 other word can, and that word is marriage.
6 Marriage is one of the few times where people
7 make a public promise of -- wrong bill. Well,
8 still --

9 THE PRESIDENT: This is the chapter
10 amendment.

11 SENATOR DUANE: All right.

12 (Laughter.)

13 SENATOR DUANE: It's still the
14 same. It's not so very -- it's interestingly not
15 so very different.

16 THE PRESIDENT: Senator Duane --

17 SENATOR SKELOS: Mr. President,
18 Senator Saland is going to be the --

19 SENATOR SALAND: Mr. President, if
20 Senator Duane would be kind enough to yield, I'd
21 be more than happy to explain.

22 THE PRESIDENT: The Senator has
23 yielded.

24 Senator Saland.

25 SENATOR SALAND: Thank you,

1 Mr. President.

2 Mr. President, it almost seems like
3 light years ago that myself and Senator Hannon
4 and Senator Lanza were asked to engage the
5 Governor and his staff in regard to the issues of
6 religious exemptions as provided in the what I'll
7 term the bill in chief. This proposes to amend
8 that bill.

9 And let me first say I would be
10 remiss if I didn't acknowledge the very active
11 role of Governor Cuomo. He was not merely active
12 but certainly sensitive, both to the dual issues
13 of religious freedoms and the importance of
14 equality in terms of the purposes of this bill.

15 What's important about this bill is
16 that it contains a number of additions and a
17 number of changes. And very, very critically
18 important is the presence of an inseverability
19 clause at the conclusion of the bill.

20 So let me start off, if I might, by
21 saying what has been added to this mix and to
22 this bill. And I think, first and foremost, you
23 must understand that the purpose was to ensure
24 religious exemptions, to assure that organized
25 religions, that benevolent associations and

1 not-for-profit associations or corporations
2 affiliated with or controlled by religious
3 corporations would not be subject not merely to
4 civil actions but also to government actions.

5 So if you will bear with me, if you
6 look at the bill, we start off with
7 "Notwithstanding any state, local or municipal
8 law rule, regulation, ordinance or other
9 provision of law to the contrary." Well, state,
10 local or municipal law, rule, regulation or
11 ordinance to the contrary is new language.

12 And what is the purpose of that?
13 The purpose is to ensure that there shall be no
14 local law or no other law of this state that
15 might be in conflict with this law that would
16 supersede the exceptions or exemptions -- more
17 appropriately, exemptions -- that are provided in
18 this chapter.

19 Concerns had been expressed that
20 there might be municipal action, there might be
21 county action, there might be the possibility of
22 conflicts with other provisions of law. Clearly
23 the purpose here is to ensure that whatever
24 conflicts there might be, those conflicts are
25 resolved in favor of the religious exception --

1 exemption, I'm sorry. Religious exception.

2 Now, in addition to the categories
3 that were provided in the initial proposal or the
4 bill in chief, we've added not-for-profit
5 corporations operated, supervised or controlled
6 by religious corporation or any employee thereof
7 being managed, directed or supervised by or in
8 conjunction with a religious corporation,
9 benevolent order or not-for-profit corporation.

10 The importance was to expand
11 protections to those not merely churches,
12 synagogues, other religions under the Religious
13 Corporation Law, but also to provide those in
14 effect ancillary and related associations and
15 not-for-profits that they share that same
16 protection.

17 And it goes on to say that they
18 shall not be required to provide services,
19 accommodations, advantages, facilities, goods or
20 privileges. The addition to the -- again, I'll
21 refer to it as the bill in chief, is the term
22 "services or goods."

23 And while the bill in chief or the
24 bill being amended provided that it did not
25 create any civil claim or cause of action, there

1 was great concern expressed among those
2 representing churches and religious organizations
3 that they could well find themselves being
4 punished by the state in some fashion.

5 If you look to the law of
6 Connecticut, the statute in Connecticut and the
7 statute in New Hampshire, they added language
8 that wasn't contained in this particular bill or
9 the -- again, the bill in chief. And they said
10 in their language that the state could not
11 penalize or withhold benefits with regard to such
12 religious corporation, benevolent order, or
13 not-for-profit.

14 We have expanded that to also
15 include discriminate. So that if an affiliated
16 organization -- and I won't name any, but if a
17 not-for-profit corp that is affiliated with or
18 has a religious connection or is being operated
19 under the umbrella of or in relation to a
20 religious corporation, a church, they cannot be
21 penalized if, for example, they have ancillary
22 services such as child care, daycare, senior
23 centers, in terms of their ability to obtain
24 grant monies, their ability to be ensured that in
25 responding to an RFP that they will not be

1 summarily rejected because of the fact that they
2 do not recognize nor does their religious
3 doctrine nor their religious practitioner or
4 practices permit them to recognize gay marriages.

5 If you look at the second paragraph,
6 in the second paragraph in part is a restatement
7 of the Human Rights Law, which the language that
8 prefaces that paragraph is new. And again, it's
9 a "notwithstanding" provision. And it
10 notwithstands any state, local or municipal law,
11 rule, regulation, ordinance or other provision of
12 law to the contrary.

13 And the reason that language has
14 been added is to make sure that there are no
15 encroachments on Section 296(11) of the Executive
16 Law, again, sometimes referred to, at least in
17 part, as the Human Rights Law.

18 Again, the concern being that there
19 might be encroachments in some other state
20 statute or, every bit as importantly if not more
21 so, by some local action by a county, a city, or
22 any other municipality.

23 The other changes that are included
24 are the fact that nothing in this chapter in any
25 way, shape or form shall be deemed or construed

1 to limit the protections and exemptions otherwise
2 provided religious organizations under Section 3,
3 Article 1 of our State Constitution.

4 Two more points which I would have
5 to make. The initial legislative proposal went
6 so far as to say that a clergyman or a minister
7 did not have to solemnize a marriage and the
8 refusal to do so would not create a civil claim
9 or cause of action.

10 We similarly thought it important to
11 ensure the protection of churches, clergymen,
12 synagogues, rabbis affiliated, as we did above,
13 by providing that the state or local government
14 could not penalize, withhold benefits or
15 discriminate against such clergyman or minister.

16 And lastly and every bit as
17 importantly, and perhaps even most importantly,
18 there is contained in this language in
19 Section 5-a on page 2, lines 35 through 39, what
20 is called an inseverability clause.

21 And it basically speaks for itself.
22 It says that "This act is to be construed as a
23 whole, and all parts of it are to be read and
24 construed together. If any part of this act
25 shall be adjudged by any court of competent

1 jurisdiction to be invalid, the remainder of this
2 act shall be invalidated."

3 Nothing precludes or should be
4 construed to affect a party's right to appeal.
5 But nonetheless it is, under the inseverability
6 clause, required to be treated as a whole.
7 Again, for the third time, it's required to be
8 treated as a whole and all parts are to be read
9 and construed together.

10 This language was the product of
11 lengthy and at times challenging negotiations. I
12 certainly thank Senator Hannon for his
13 participation. He's an extraordinarily capable
14 attorney and wordsmith, and similarly Senator
15 Lanza. I could only speak in the most extolling
16 terms for both of their efforts.

17 And lastly, I would again thank the
18 Governor for spending the enormous amount of time
19 that he committed to try and recognize -- in our
20 effort to recognize the importance of maintaining
21 these religious exemptions.

22 Having said that, Mr. President, I
23 would merely like to add, merely like to add on a
24 personal note that I have, as many people are
25 aware, certainly struggled over this issue. It

1 has been an extremely difficult issue to deal
2 with.

3 Coming from a rather traditional
4 background and being married for some 46 years
5 and being raised by parents who preached to me
6 the importance of tolerance, respect and
7 acceptance of others -- and of course, as I'm
8 sure all of our parents taught us, always to do
9 the right thing -- my quandary was all of the
10 folks who wrote me the thousands and thousands of
11 letters and emails and thousands of telephone
12 calls. They all asked me to do the right thing.

13 And I'm not quite sure I can do the
14 right thing by both the proponents and the
15 opponents. And needless to say, my decision on
16 this bill is going to disappoint a significant
17 number of people.

18 But I can say that my intellectual
19 and emotional journey has ended here today. And
20 I have to define doing the right thing as
21 treating all persons with equality. And that
22 equality includes within the definition of
23 marriage. And I fear that to do otherwise would
24 fly in the face of my upbringing.

25 As I said, I understand that I will

1 probably disappoint many. I know my vote is a
2 vote of conscience, and I certainly am at peace
3 with my vote. It was a struggle. There was
4 extraordinary deliberation, and I feel that were
5 my parents here, they would tell me that I would
6 have done the right thing.

7 Thank you, Mr. President.

8 THE PRESIDENT: Thank you, Senator
9 Saland.

10 Senator Diaz.

11 SENATOR DIAZ: Would Senator Saland
12 yield for a question or two? Mr. President,
13 would Senator Saland yield for a question or
14 two?

15 SENATOR SALAND: Mr. President, I
16 will not yield.

17 THE PRESIDENT: The Senator chooses
18 not to yield, Senator Diaz.

19 SENATOR DIAZ: He chooses not to
20 yield.

21 THE PRESIDENT: The Senator chooses
22 not to yield.

23 SENATOR SALAND: I intend Senator
24 Diaz no disrespect. I think I've clearly laid
25 out the purposes of the bill.

1 SENATOR DIAZ: Mr. President, that
2 is not -- that is not indication that he feels
3 ashamed to support what he's saying?

4 THE PRESIDENT: Senator Diaz,
5 it's --

6 SENATOR DIAZ: People -- people --
7 Mr. President, people might take this as
8 Senator Saland, a Republican, is ashamed of
9 supporting what he is presenting.

10 THE PRESIDENT: Senator Diaz, I
11 respect your comments, but Senator Saland is
12 exercising his rights not to yield for this
13 discussion.

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

16 THE PRESIDENT: Seeing no other
17 Senators rising to debate on the amendment,
18 Calendar Number 1548, this debate is closed.

19 Everybody's in their seats; no need
20 to ring the bell. I'd ask the Secretary to read
21 the last section.

22 THE SECRETARY: Section 4. This
23 act shall take effect on the same date as such
24 chapter of the Laws of 2011.

25 THE PRESIDENT: Call the roll.

1 (The Secretary called the roll.)

2 THE PRESIDENT: Senator Diaz to
3 explain his vote.

4 SENATOR DIAZ: Thank you,
5 Mr. President.

6 I just have a release from the
7 Catholic Conference that says that the matter of
8 a religious exemption has been and continues to
9 be a secondary issue that in no way negates the
10 fact that this bill is bad for society. This was
11 issued tonight by the Catholic Conference.

12 And I believe that Senator Saland
13 and Senator Lanza, they're all Catholics. I
14 don't know if they agree with the Catholic
15 Conference, with what they're saying tonight.

16 But I'm voting no.

17 THE PRESIDENT: Senator Diaz to be
18 recorded in the negative.

19 Senator Hannon to explain his vote.

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

22 While I will not be voting for the
23 bill in chief, I will be voting for this because
24 of the importance of the exemptions that were
25 placed into the main body of law by this

1 amendment.

2 We had looked at the basis for
3 statutes on marriage in this state, the rational
4 basis that the state has acted upon, and we
5 looked at the unique context that these religious
6 exemptions have with the right that is going to
7 be granted by the main bill.

8 And it is clearly the intent of this
9 body and the intent of this bill that the
10 provisions are inextricably intertwined, and that
11 if the religious exemptions were to be diminished
12 in any way by a court, then the right granted by
13 the main bill would also be extinguished.

14 It's a negotiated position. It was
15 very, very key to the whole matter of bringing
16 this topic to this floor. And the inseverability
17 clause is a very carefully, clear and measured
18 drafting decision. And because of that, we have
19 moved ahead on this very important societal
20 matter.

21 Thank you.

22 THE PRESIDENT: Senator Hannon,
23 just so I'm sure, you are voting yes on the
24 amendment.

25 SENATOR HANNON: Yes.

1 THE PRESIDENT: Senator Hannon's
2 vote will be recorded in the affirmative.

3 The Secretary will announce the
4 results. In a moment. The Secretary will
5 announce the results.

6 THE SECRETARY: In relation to
7 Calendar 1548, those recorded in the negative are
8 Senators Ball, Bonacic, DeFrancisco, Diaz,
9 Farley, Flanagan, Fuschillo, Gallivan, Golden,
10 Griffo, Johnson, Lanza, Larkin, LaValle, Libous,
11 Little, Martins, Maziarz, Nozzolio, O'Mara,
12 Ranzenhofer, Ritchie, Robach, Seward, Young, and
13 Zeldin.

14 Ayes, 36. Nays, 26.

15 THE PRESIDENT: The bill is passed.
16 (Applause from the gallery.)

17 THE PRESIDENT: (Gaveling
18 repeatedly).

19 Ladies and gentlemen, I just would
20 ask your indulgence. The Secretary will continue
21 to read.

22 THE SECRETARY: Calendar Number
23 1545, by Member of the Assembly O'Donnell,
24 Assembly Print 8354, an act to amend the Domestic
25 Relations Law.

1 THE PRESIDENT: Read the last
2 section.

3 THE SECRETARY: Section 6. This
4 act shall take effect on the 30th day.

5 THE PRESIDENT: Call the roll.
6 (The Secretary called the roll.)

7 THE PRESIDENT: Senator Diaz to
8 explain his vote.

9 SENATOR DIAZ: On the bill,
10 Mr. President. Thank you, Mr. President.

11 Ladies and gentlemen, members of the
12 New York State Senate, here we are again. For
13 the second time we are trying to redefine
14 marriage. I would have to tell you that I agree
15 with Archbishop Timothy Dolan when he said that
16 God, not Albany, has settled the definition of
17 marriage a long time ago.

18 The first time, Mr. President and
19 ladies and gentlemen, that we dealt with this
20 issue was on Wednesday, December 2, 2009. On
21 that day, the Governor was the Honorable David
22 Paterson. The president of the Senate was the
23 Honorable Malcolm Smith. The Senate was
24 controlled by the Democrats. The Honorable
25 Andrea Stewart-Cousins was presiding over the

1 session that day. And every member of the
2 Republican Conference voted against homosexual
3 marriage on that day. And at that time the bill
4 was introduced by the Honorable Senator Tom
5 Duane.

6 Today, ladies and gentlemen, members
7 of the New York State Senate, we are back to deal
8 with the same issue, but in a different
9 scenario. On this occasion the Governor is the
10 Honorable Andrew Cuomo. The President of the
11 Senate is the Honorable Dean Skelos. The Senate
12 is controlled by the Republican Party. And today
13 the Senate is being presided by the Honorable
14 Robert Duffy, Lieutenant Governor of the State of
15 New York.

16 The bill, today's bill was
17 introduced by Governor Andrew Cuomo, not by
18 Senator Tom Duane. And in a complete turnaround
19 from 2009, when every Republican voted against
20 homosexual marriage, it is the Republican Party
21 that will provide the votes to pass this
22 legislation.

23 Ladies and gentlemen, people of the
24 State of New York, listen very carefully to the
25 following. In New York the New York gay

1 community and their supporters are not only
2 getting their marriage bill approved, but most
3 important, they are making the Republican Party
4 do what the Democrats failed to do while they
5 were in the majority. It is unbelievable that
6 the Republican Party, the party that always
7 defended family values, the party that always
8 protected traditional values --

9 THE PRESIDENT: Senator Diaz, we
10 have a two-minute limit.

11 SENATOR DIAZ: No, no, no, that's
12 why I said -- laid it down, because I want to
13 speak on the -- on the --

14 THE PRESIDENT: We did the bill
15 debate. This is to explain the vote, Senator.
16 So --

17 SENATOR DIAZ: You're trying to
18 circumvent me --

19 THE PRESIDENT: No, just --

20 SENATOR DIAZ: -- but I laid it
21 aside so I could speak on the bill.

22 THE PRESIDENT: We have a
23 two-minute limit, Senator.

24 SENATOR DIAZ: You don't want to
25 hear, I'm sorry, I've got to -- you know, I'm

1 going to speak on the bill.

2 It is unbelievable that the
3 Republican Party, the party that always defended
4 the family values, the party that always
5 protected traditional values, the party that
6 always defended moral values, today has become a
7 tool of the Democratic Governor. Actions like
8 this are the one that makes the other parties,
9 the Tea Party and the Conservative Party,
10 strong.

11 This Democratic agenda, pushed by a
12 Democratic Governor, is being approved by the
13 Republican Senate. Senator Dean Skelos, the
14 Republican Senators and the Republican Party are
15 allowing a Democratic Governor to divide the
16 Republican Party and the Conservative Party by
17 telling Michael Long: We just don't care for
18 your opinion or your stand.

19 It is a fact, ladies and gentlemen,
20 and we all know that same-sex marriage has been
21 rejected by the majority of Americans when given
22 the opportunity to vote for it.

23 THE PRESIDENT: {Gaveling.}
24 Senator, I'll point out that you've waived your
25 right to lay the bill aside. I ask you again --

1 SENATOR DUANE: No, I laid it aside
2 twice. I say -- I said it twice, I laid it
3 aside.

4 THE PRESIDENT: And the record is
5 not reflecting that. I just ask that you just --
6 if you could just wrap up, we've given you far
7 more than two minutes.

8 SENATOR DIAZ: Mr. President,
9 Mr. President, I laid it aside. Twice I said
10 "Lay it aside." Twice I said it. If you want --
11 you try to take away my right to speak on that
12 bill, that's -- then you say so. But I laid it
13 aside twice. And I said twice "Lay it aside."

14 THE PRESIDENT: I think we have a
15 misunderstanding, Senator. But I'd ask you
16 just -- please, sir, you've had far more than
17 two. If you would just bring it to a conclusion
18 and respect the process.

19 SENATOR DIAZ: I have to speak on
20 the bill. I laid it aside, Mr. President. And
21 I'm sorry that you're trying to take away my
22 right to speak on the bill. I think that the
23 people in the State of New York should listen to
24 what I have to say.

25 THE PRESIDENT: I just asked you,

1 sir -- I'll give you a last minute and I'm going
2 to -- I don't want to cut you off and be
3 disrespectful, but we have a whole list. But I'm
4 trying to adhere to the process. You've had well
5 over two minutes.

6 SENATOR DIAZ: Why are you -- why
7 are we so ashamed of listening to what I'm
8 saying?

9 THE PRESIDENT: I'm not -- we're
10 not ashamed. Senator, we're not ashamed. This
11 is a democracy.

12 SENATOR DIAZ: You are. I mean,
13 I -- I asked the bill to be aside. You don't
14 believe it, so you don't want to listen to me.

15 THE PRESIDENT: Senator --

16 SENATOR DIAZ: And now you --
17 you -- you -- you are -- you are --

18 THE PRESIDENT: Senator -- Senator,
19 we are -- {gaveling}. We are just following the
20 rules.

21 I'm asking you to please -- I'm
22 giving you extra time, to be respectful. Senator
23 Saland was respectful of your request. I'm going
24 to ask you just to wrap it up in one minute.

25 SENATOR DIAZ: Mr. President,

1 Mr. President, I am being respectful. I just
2 want -- want people to know what you have been
3 denying me -- I mean, you're going to vote for
4 this? Go ahead, vote for it. It's your right.
5 But it is not your right to take away my right.
6 I mean, you know, you want to vote for it, go
7 ahead. But don't be ashamed of it. Vote
8 proudly.

9 THE PRESIDENT: Senator, we're
10 not -- Senator, we are not taking away your
11 right. Whether you speak for or against it, we
12 are just trying to be respectful of everyone in
13 the chamber, allowing a time limit.

14 Sir, you've gone way over the time
15 limit. We have been patient with that. I'm just
16 asking you if you could bring it to a
17 conclusion. We are listening to, we are paying
18 you respect, but you are going way over. And
19 this is -- we're speaking on the vote. The rules
20 allow a two-minute limit speaking explaining your
21 the vote.

22 SENATOR DIAZ: I'm not --
23 Mr. President, I am not questioning your rule.
24 I'm saying I -- I -- twice I said it, "Lay it
25 aside." The two issues on there, "Lay it aside,"

1 "Lay it aside." I said it. I said it.

2 And then -- and now you're telling
3 me that no, no, I didn't say that. You are
4 taking -- I -- all right. I'm going to finish.

5 THE PRESIDENT: Senator, I'd just
6 like to explain. You lay it aside, you then have
7 a chance to debate before the roll call, before
8 the vote.

9 SENATOR DIAZ: I want to -- I want
10 to finish --

11 THE PRESIDENT: Please.

12 SENATOR DIAZ: I am the only
13 Democrat voting against this bill --

14 THE PRESIDENT: Please finish, sir.

15 SENATOR DIAZ: I will wear that as
16 a badge of honor. But I will always say, I will
17 always say that even though you are going to vote
18 for the bill, you are sending a message to the
19 whole state that you feel ashamed of it. Number
20 one, the Senator, Senator Saland, didn't want to
21 answer questions. And number two, now you are
22 cutting me out.

23 That's okay, Mr. President. That is
24 your right. You are the President of the
25 Senate. You are today shining, you are given all

1 the time in the world. And -- and -- and I'm the
2 only one here. That's okay. I am proudly voting
3 no.

4 Thank you, Mr. President.

5 THE PRESIDENT: Senator, thank
6 you.

7 Senator Diaz will be recorded in the
8 negative.

9 Senator Breslin.

10 And I would ask for all the
11 Senators -- we have a long list of Senators who
12 want to explain their vote. I would ask everyone
13 just to adhere to the two-minute time frame.
14 Thank you.

15 Senator Breslin.

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

18 THE PRESIDENT: Senator Duane, we
19 were just told you wanted to go last. But,
20 Senator Duane, we yield the floor.

21 SENATOR DUANE: It was maybe 1972
22 or 1973, I was 17 or 18. Stonewall had happened
23 just a few years before. And I decided to come
24 out to my parents, religious Catholics.

25 They were very concerned for me.

1 What they knew or thought, believed, was that
2 homosexuals lived sad and unhappy lives. They
3 were discriminated against. They couldn't get
4 married. They'd be lonely and subject to
5 violence.

6 They loved me and they were
7 concerned for me. But I had decided that I was
8 going to come out and that I was going to fight
9 for civil rights and social justice. And though
10 I worked at other jobs, really my activism around
11 civil rights was the most important part of my
12 life.

13 And in the 1980s, when people in my
14 community and my neighborhood and in other
15 communities and other neighborhoods started to
16 die of AIDS, if the surviving partner's name
17 wasn't on the lease, they got evicted. And I
18 remember going to legal organizations and saying
19 "We need help." And they said, "Oh, no, no,
20 families will never be recognized." And I said
21 "But they're getting evicted anyway, so what do
22 we have to lose?"

23 And the cases went up to the state's
24 highest court, and that's how we got the Braschi
25 decision, which was the first time that

1 nontraditional families, as we call them,
2 same-sex families were recognized in New York
3 State.

4 And, you know, I ran for the City
5 Council in 1991. I ran, I was already openly
6 gay, I couldn't -- I didn't want to. I couldn't
7 go back. I also came out about my HIV status. I
8 did that again when I ran here in 1999. And I
9 will always be grateful to people who allow me to
10 represent them knowing that civil rights and LGBT
11 rights are part of what I am here to fight for.

12 You know, when I first came here to
13 the Senate, domestic partner benefits weren't
14 offered. But you know what? I made the case for
15 domestic partner benefits and then they were
16 provided to Senators and Senate employees. And
17 then, here in this body, we passed hate crimes --

18 THE PRESIDENT: Senator Duane,
19 excuse me. Just to be consistent with
20 Senator Diaz, I just ask that we -- we're trying
21 to keep a time limit. If we could just finish up
22 within a minute, sir.

23 SENATOR DUANE: Yes,
24 Mr. President. But I -- with your indulgence, I
25 would like also to have my voice on this very

1 important issue today.

2 And -- anyway. Republicans,
3 Democrats alike, we passed hate crimes
4 legislation and said that violence would not be
5 tolerated in our state. And then two years after
6 that -- again, both sides of the aisle -- we
7 passed SONDA. Bipartisan, the Sexual Orientation
8 Nondiscrimination Act. And sadly, we still have
9 the challenge of passing GENDA, but its time will
10 come, and I know it will come soon.

11 And last year we passed Dignity for
12 All Students here. Again, both sides of the
13 aisle together, landmark, landmark legislation.
14 And now, you know, here we are.

15 And, you know, my parents were right
16 about some things. I did get -- I did get beaten
17 up. I -- I did get bloodied. But I hope that on
18 one thing, and I know now they would be fine with
19 this, I hope that today we'll say that I can get
20 married.

21 THE PRESIDENT: If I can remind
22 you, sir, just to be consistent with the rules,
23 if you'd just bring it to a conclusion.

24 SENATOR DUANE: Yes,
25 Mr. President.

1 You know, I want to thank Governor
2 Cuomo. I want to thank him for his incredible
3 and just truthful and strong leadership on this
4 issue. And I want to thank Senator Skelos. And,
5 you know, I'm one of the 29 over here, and I want
6 to thank Senator Sampson. And I want to thank
7 the activists and the straight supporters. And
8 most of all, I want to thank my family and I want
9 to thank Louis.

10 You know, he was there when my
11 brother died, my mother and my father. I was
12 there when his brother died, when his mother and
13 father died. And I loved his parents. My whole
14 family loves Louis, and I love Louis's family.
15 And our nieces and nephews know us only as a
16 couple. And we are like married to them, but of
17 course we're not. Not yet.

18 But the exact same love, the same
19 commitment -- look, I respect you. I know you
20 respect me. But marriage says that we are a
21 family. Louis and I are a family. And marriage
22 strengthens all families. It's going to
23 strengthen my family and all New York families.
24 It provides security and peace of mind. And like
25 you, Louis and I, in sickness and in health.

1 Marriage recognizes that love and commitment.

2 And I know it's -- you know, it's
3 paradoxical, you know, because my life and, you
4 know, the lives of other New Yorkers, not going
5 to -- our lives aren't going to really change
6 very much. Nothing is going to change about how
7 we are -- how we take care of each other and love
8 each other, except for it will change.

9 And I know this is a tough vote.

10 Mr. President, I know this is a tough vote. And
11 I want to -- there are only heroes in this
12 chamber today. There are no villains here, there
13 are only heroes on both sides of the aisle and in
14 both houses of this Legislature. Only heroes.

15 THE PRESIDENT: Senator Duane, can
16 I just bring it to a close and recognize your
17 vote as an affirmative?

18 SENATOR DUANE: Yes,
19 Mr. President. I'm asking my colleagues --

20 (Laughter.)

21 SENATOR DUANE: I am asking my
22 colleagues to please vote yes for all New Yorkers
23 and to vote yes for me and Louis.

24 Thank you.

25 THE PRESIDENT: Thank you, Senator.

1 Senator Duane will be recorded in
2 the affirmative.

3 Before we go on, by an agreement
4 with both sides of the house, there are two more
5 speakers and then we'll announce the results.

6 The first is Senator Grisanti.

7 SENATOR GRISANTI: Yes,
8 Mr. President.

9 As you may know, prior to me coming
10 here -- it's only been about six months, and the
11 issue of same-sex marriage was never really a
12 strong topic of discussion among family and
13 friends. I simply opposed it in the Catholic
14 sense of my upbringing.

15 And I have stated that I have a
16 problem with the term "marriage." But at the
17 same time, I also said that I have a problem with
18 the rights that are involved that are being
19 overlooked.

20 I have never, in the past four
21 months, researched an issue or met with so many
22 people and groups on a single issue such as
23 this. I have struggled with this immensely, I
24 can tell you that. I have read numerous
25 documents, independent studies, talked with a lot

1 of people on both sides of this issue.

2 As a Catholic I was raised to
3 believe that marriage is between a man and a
4 woman. I'm not here, however, as a Senator who
5 is just Catholic. I'm also here with a
6 background as an attorney, through which I look
7 at things and I apply reason.

8 I know that with this decision, many
9 people who voted for me will question my
10 integrity a short time ago. I'll tell you,
11 though, that I have studied this issue. For
12 those that know me, they know that I have
13 struggled with it. To those whose support I may
14 lose, please know that in the past what I was
15 telling you and what I believed at that time was
16 the truth.

17 But by doing the research and
18 ultimately doing what I believe to be the right
19 thing, to me shows integrity. I would not
20 respect myself if I didn't do the research, have
21 an open mind, and make a decision, an informed
22 decision, based on the information before me. A
23 man can be wiser today than yesterday, but there
24 will be no respect for that man if he has failed
25 in his duty to do the work.

1 I cannot legally come up with an
2 argument against same-sex marriage. Who am I to
3 say that someone does not have the same rights
4 that I have with my wife, who I love, or that
5 have the 1300-plus rights that I share with her?

6 But there's another important point
7 here that this bill brings up, and that's its
8 religious protections. Because I am Catholic.
9 Under this bill the religious aspects and beliefs
10 are protected, as well as for not-for-profits.

11 There's no mandate that the Catholic
12 Church or any other religious organization
13 perform ceremonies or rent halls. There cannot
14 be a civil claim or an action against a church.
15 It protects benevolent organizations such as the
16 Knights of Columbus and many others. And as a
17 lawyer, I feel confident that the religious
18 organizations and the others are protected.

19 We in this state have recognized
20 same-sex couples who are married in other states
21 and are now in New York. I have read studies
22 about civil unions that show that they do not
23 work; it causes chaos. I believe this state
24 needs to provide equal rights and protection to
25 all of its residents.

1 I struggled with the word "marriage"
2 as between a man and a woman. That's how I am
3 raised. But I also struggled with the rights
4 that are lacking for same-sex couples, and I've
5 stated this numerous times. I cannot deny that
6 right or an opportunity for someone, nor stand in
7 the way of allowing them to obtain the rights
8 that I have.

9 I'm not going to get into the
10 philosophical arguments, because I've heard them
11 all. But for me, the issue boils down to this.
12 I've done the research. And my belief is that a
13 person can be wiser today than yesterday. I
14 apologize to those who feel offended, to those I
15 have hurt with the votes that I had six months
16 ago. But I believe you can be wiser today than
17 yesterday when you do the work.

18 I cannot deny a person, a human
19 being, a taxpayer, a worker, or people in my
20 district and across this state, the State of
21 New York, and those people who make this the
22 great state it is, the same rights that I have
23 with my wife.

24 And I also can't ignore that one of
25 the things that was put into this bill, that

1 there are protections in this bill for church and
2 religious organizations. And I am proud of that,
3 because I am fearful that those protections may
4 be lost. If this bill fails, I believe the next
5 time around those religious protections won't be
6 there.

7 I vote in the affirmative,
8 Mr. President.

9 (Extended applause from the
10 gallery.)

11 THE PRESIDENT: Senator Skelos.
12 Senator Skelos.

13 Senator Grisanti -- {gaveling}.
14 Senator Grisanti will be recorded in the
15 affirmative.

16 If I could ask for just one brief
17 recess, if I could meet briefly with Senator
18 Skelos and Senator Breslin.

19 (Pause in proceedings.)

20 SENATOR SKELOS: Mr. President.

21 THE PRESIDENT: Senator Skelos, we
22 had a request for one more speaker, and a
23 two-minute limit. If I could ask for your
24 indulgence.

25 To explain your vote, Senator

1 Kruger.

2 SENATOR CARL KRUGER: Thank you,
3 Mr. President. On the bill, to explain my vote.

4 More than 130 years ago, in this
5 house, this Senate was convened. Tonight, in the
6 shadow of darkness, a bright light shines on this
7 chamber. A light that says that once again good
8 judgment, integrity, fairness, peace and equality
9 should fill this room.

10 For a very long time, my position
11 has been miscategorized. And by doing that, I
12 would just like to put into focus the events of
13 December 2, 2009. Because as Senator Diaz
14 pointed out, I was one of the no votes on the
15 original bill.

16 That bill of then and the bill of
17 today is very, very different. The protections
18 that it offers today were not part of the very
19 grain of the bill that we have in front of us.

20 I myself in the early 1990s stood in
21 the lobby of SUNY Downstate and fought for a
22 fight to get aerosol pentamidine as a
23 cutting-edge treatment for pneumococcus pneumonia
24 for AIDS patients that were in that facility.

25 When SONDA came to this floor, I

1 supported it. When the hate crimes bill came to
2 this floor, I supported it. And when the rights
3 of students came to this floor, I supported it as
4 well.

5 So tonight is not very much of a
6 change in the position that I have taken since
7 very, very early in my political career. But
8 tonight is a reaffirmation of what a family is.

9 And as everyone has pointed out,
10 that this is a very difficult vote. It's a
11 difficult vote for all of us. And as my good
12 friend and colleague and the person that
13 spearheaded this drive when everyone thought that
14 the effort was fruitless, my good friend Senator
15 Tom Duane said it very, very succinctly. He said
16 that there are no villains in this room, there
17 are all heroes.

18 And tonight we can all take claim
19 that we have brought to the floor a bill that it
20 was worthy of our consideration, that regardless
21 of whether we vote for or against it, at the end
22 of the day the consciences of this body will
23 prevail and the majority will rule.

24 So tonight, Mr. President, on behalf
25 of my community, from which I've gotten thousands

1 of emails, thousands of letters both in
2 opposition and in support, it's a clear and
3 compelling message that says that for this body,
4 for 130 years we've stood together in
5 partnership. The Krugers and the Duanes will
6 come and go, but the rights and the freedoms that
7 this Empire State has built its reputation on
8 should live forever. It should live forever in
9 these halls and in this room, because together in
10 partnership we're proving tonight that people
11 that care can truly make a difference.

12 I vote yes. Thank you.

13 (Applause from the gallery.)

14 THE PRESIDENT: Thank you,
15 Senator. {Gaveling.} Thank you, Senator.

16 Senator Kruger will be recorded in
17 the affirmative.

18 The Secretary will announce the
19 results.

20 THE SECRETARY: In relation to
21 Calendar Number 1545, those recorded in the
22 negative are Senators Ball, Bonacic, DeFrancisco,
23 Diaz, Farley, Flanagan, Fuschillo, Gallivan,
24 Golden, Griffio, Hannon, Johnson, Lanza, Larkin,
25 LaValle, Libous, Little, Marcellino, Martins,

1 Maziarz, Nozzolio, O'Mara, Ranzenhofer, Ritchie,
2 Robach, Seward, Skelos, Young and Zeldin.

3 Ayes, 33. Nays, 29.

4 (Pandemonium; extended applause,
5 cheering, chanting from the gallery.)

6 THE PRESIDENT: {Repeated
7 gaveling.} Can I have your attention.
8 {Gaveling.} Ladies and gentlemen, if we can
9 just -- there's -- I understand -- if I could
10 have your attention.

11 Bill Number 1545, the marriage
12 equality bill, is passed.

13 I ask, please, we have more business
14 to continue.

15 Senator Skelos.

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

18 There are four Assembly bills at the
19 desk. I move to reconsider the substitutions and
20 have the Senate bills restored to the Third
21 Reading Calendar.

22 THE PRESIDENT: The Secretary will
23 read.

24 THE SECRETARY: Assembly Bill
25 Numbers 353C, 6294, 7988, and 7502A.

1 THE PRESIDENT: Senator Skelos, so
2 ordered.

3 SENATOR SKELOS: Mr. President, I
4 now move to recommit the calendar.

5 THE PRESIDENT: The calendar is
6 recommitted.

7 SENATOR SKELOS: Mr. President.

8 THE PRESIDENT: Senator Skelos.

9 SENATOR SKELOS: I move that the
10 Senate stands --

11 THE PRESIDENT: {Gaveling.}

12 Close the doors, please.

13 SENATOR SKELOS: I move that the
14 Senate stands adjourned at the call of the
15 Temporary President, intervening days being
16 legislative days.

17 THE PRESIDENT: Senator Skelos, if
18 I could just -- the Senate stands adjourned at
19 the call of the Temporary President, intervening
20 days being legislative days.

21 (Whereupon, at 10:32 p.m., the
22 Senate adjourned.)

23

24

25