NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 24, 2011

6:22 p.m.

REGULAR SESSION

LIEUTENANT GOVERNOR ROBERT J. DUFFY, President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

Please join me in the Pledge of Allegiance.

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

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

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

THE PRESIDENT: The reading of the Journal.

The Secretary will read.

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

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

Next, presentation of petitions.

Any messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos.

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

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

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

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

THE SECRETARY: Concurrent

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The resolution is adopted.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The resolution is adopted.

The Secretary will read.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The resolution is adopted.

The Secretary will read the title.

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

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

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THE SECRETARY: Ayes, 62.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The resolution is adopted.

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THE SECRETARY: Senate Resolution

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

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

THE PRESIDENT: The Secretary will read.

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

THE PRESIDENT: Senator Skelos.

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

THE PRESIDENT: Yes, there is.

SENATOR SKELOS: Move to accept the message.

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

(Response of "Aye.")

THE PRESIDENT: Any nays?

(No response.)

THE PRESIDENT: The message of necessity has been accepted.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Hannon to explain his vote.

SENATOR HANNON: Thank you, Mr. President.

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

certain federal grants, it could not.

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

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

Senator Skelos.

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

THE PRESIDENT: The Secretary will read.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

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

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

The Senate is at ease.

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

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

THE PRESIDENT: The Senate will come to order.

Senator Skelos.

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

read at this time.

THE PRESIDENT: Going back to reports of standing committees.

The Secretary will read.

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

Senate Print 5855, by Senator Skelos, an act to amend the Education Law;

5856, by Senator Skelos, an act to amend the General Municipal Law;

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

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

All bills ordered direct to third reading.

THE PRESIDENT: Senator Skelos.

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

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

(Response of "Aye.")

THE PRESIDENT: Any opposed?

(No response.)

THE PRESIDENT: The Rules report is accepted.

Senator Skelos.

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

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

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

THE PRESIDENT: Senator Skelos.

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

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

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

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

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

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

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

At this point I would like to turn

the discussion of this plan over to Senator LaValle.

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

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

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

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

(Response of "Aye.")

THE PRESIDENT: Any opposed?

(No response.)

THE PRESIDENT: The message of necessity has been accepted.

The Secretary will read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator LaValle to explain his vote.

SENATOR LaVALLE: Mr. President,

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

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

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

relates to job creation.

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

I vote aye.

THE PRESIDENT: Thank you, Senator.

Senator LaValle will be recorded in the affirmative.

Next, Senator Grisanti to explain his vote.

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

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

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

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

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

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

I vote in the affirmative. Thank you.

THE PRESIDENT: Thank you, Senator.

Senator Grisanti will be recorded in the affirmative.

Next, Senator Maziarz to explain his vote.

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

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

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

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Maziarz will be recorded in the affirmative.

Next, Senator Stavisky to explain her vote.

SENATOR STAVISKY: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Stavisky will be recorded in the affirmative.

Next, Senator Diaz to explain his

vote.

SENATOR DIAZ: Thank you, Mr. President.

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

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

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

increased tuition for five years.

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

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

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

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

I cannot go back to the Bronx --

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

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

THE PRESIDENT: Thank you, Senator.

Senator Diaz will be recorded in the negative.

Next, Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

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

SENATOR DIAZ: Not today, my friend.

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

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

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

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

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Kennedy will be recorded in the affirmative.

Next, Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

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

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

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

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

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

I have argued many times on the

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

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

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

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator Rivera will be recorded in the negative.

Next, Senator Smith to explain his vote.

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

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

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

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

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

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

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

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator Smith will be recorded in the negative.

Next, Senator Parker to explain his vote.

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

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

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

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

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

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

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

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

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

So I regretfully, on this bill, vote nay.

THE PRESIDENT: Thank you, Senator.

Senator Parker will be recorded in the negative.

Next, Senator Bonacic to explain his vote.

SENATOR BONACIC: Thank you, Mr. President.

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

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

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

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

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

Thank you, Mr. President. I vote yes.

THE PRESIDENT: Thank you, Senator.

Senator Bonacic will be recorded in the affirmative.

Next, Senator Gallivan to explain his vote.

SENATOR GALLIVAN: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Gallivan will be recorded in the affirmative.

Next, Senator Ranzenhofer to explain his vote.

SENATOR RANZENHOFER: Thank you, Mr. President.

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

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

was an important project for UB is just remarkable.

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

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

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

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

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

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

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

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator Ranzenhofer will be recorded in the affirmative.

Next, Senator DeFrancisco to explain his vote.

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

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

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

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

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

(Laughter.)

THE PRESIDENT: Thank you, Senator.

Senator DeFrancisco will be recorded in the affirmative.

Next, Senator Little to explain her

vote.

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Little will be recorded in the affirmative.

Next, Senator Seward to explain his vote.

SENATOR SEWARD: Thank you, Mr. President.

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

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

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

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Seward will be recorded in the affirmative.

Next, Senator Farley to explain his vote.

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

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

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

I vote aye, incidentally.

THE PRESIDENT: Thank you,

Senator.

Senator Farley will be recorded in the affirmative.

Next, Senator McDonald to explain his vote.

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

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

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

(Laughter.)

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

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

desperately needed.

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

THE PRESIDENT: Thank you, Senator.

Senator McDonald will be recorded in the affirmative.

The Secretary will now announce the results.

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

Ayes, 51. Nays, 11.

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

The Secretary will read the next bill, Number 1544.

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

THE PRESIDENT: Senator Skelos.

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

THE PRESIDENT: Yes, there is.

SENATOR SKELOS: Move to accept the message.

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

(Response of "Aye.")

THE PRESIDENT: Any nays?

(No response.)

THE PRESIDENT: The message has been accepted.

Read the last section.

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

THE PRESIDENT: Senator Skelos.

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

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

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

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

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

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

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

It also creates -- and I think this

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Skelos will be recorded in the affirmative.

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

(The Secretary called the roll.)

THE PRESIDENT: Next, Senator

Fuschillo to explain his vote.

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

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

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

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Fuschillo will be recorded in the affirmative.

Next, Senator Marcellino to explain his vote.

SENATOR MARCELLINO: Thank you, Mr. President.

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

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Marcellino will be recorded in the affirmative.

Next, Senator Oppenheimer to explain her vote.

SENATOR OPPENHEIMER: Thank you, Mr. President.

Well, this is a tough one. Because

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Oppenheimer will be recorded in the affirmative.

Next, Senator Espaillat to explain his vote.

SENATOR ESPAILLAT: Thank you, Mr. President.

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

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

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

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

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

Despite the well-funded campaign of

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

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

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

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

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

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

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

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

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

in their homes.

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

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

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

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

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator Espaillat will be recorded in the negative.

Next, Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Rivera will be recorded in the affirmative.

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

helpful. Thank you.

And next, Senator Klein to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

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

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

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

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

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Klein will be recorded in the affirmative.

Next, Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

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

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

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Carlucci to be recorded in the affirmative.

Next, Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator Krueger to be recorded in the affirmative.

Next, Senator Stewart-Cousins to explain her vote.

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

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

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

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

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

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

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

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

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

Thank you.

THE PRESIDENT: Thank you, Senator.

Senator Stewart-Cousins to be recorded in the affirmative.

Senator Diaz to explain his vote.

SENATOR DIAZ: Thank you, Mr. President.

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

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

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

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

If we're voting yes in the rent

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Diaz will be recorded in the negative.

Next, Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Martins will be recorded in the affirmative.

Next, Senator Nozzolio to explain his vote.

SENATOR NOZZOLIO: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator Nozzolio will be recorded in the affirmative.

Next, Senator Parker to explain his vote.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Parker will be recorded in the negative.

Next, Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

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

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

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

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

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

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

is why this comprehensive reform package makes sense.

Thank you.

THE PRESIDENT: Thank you, Senator.

Senator Kennedy will be recorded in the affirmative.

Next, Senator Gallivan to explain his vote.

SENATOR GALLIVAN: Thank you, Mr. President.

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

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

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

addressing 33 different items and saving our school districts and local governments $127 million.

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

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

THE PRESIDENT: Thank you, Senator.

Senator Gallivan to be recorded in the affirmative.

Next, Senator O'Mara to explain his vote.

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

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

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

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

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

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

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

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

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

property tax cap.

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

Thank you.

THE PRESIDENT: Thank you, Senator.

Senator O'Mara to be recorded in the affirmative.

Next, Senator Perkins to explain his vote.

SENATOR PERKINS: Thank you very much.

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

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

And I came here to increase the

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

So I vote no on this particular piece of legislation.

THE PRESIDENT: Thank you, Senator.

Senator Perkins to be recorded in the negative.

Next, Senator Squadron to explain his vote.

SENATOR SQUADRON: Thank you, Mr. President.

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

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

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

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

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

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

late hour on a Friday night in June.

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

THE PRESIDENT: Thank you, Senator.

Senator Squadron will be recorded in the affirmative.

Next, Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

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

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

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

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Saland to be recorded in the affirmative.

Senator Farley to explain his vote.

SENATOR FARLEY: Thank you, Mr. President.

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

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

that don't cost up a lot of money.

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Farley will be recorded in the affirmative.

Next, Senator Ball to explain his vote.

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

dysfunctional legislature.

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

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

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

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

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator Ball will be recorded in the affirmative.

Next, Senator LaValle to speak to

his vote.

SENATOR LaVALLE: Thank you Mr. President.

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

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

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

THE PRESIDENT: Thank you, Senator.

Senator LaValle to be recorded in the affirmative.

And that brings to a close our

speakers. Will the Secretary announce the results.

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

Ayes, 57. Nays, 5.

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

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

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

THE PRESIDENT: The Secretary will read.

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

THE PRESIDENT: Substitution ordered.

The Secretary will read.

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Diaz to explain his vote.

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

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

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

And I'm just telling you, Mr. President, that I'm voting yes.

THE PRESIDENT: Thank you, Senator.

Senator Diaz to be recorded in the affirmative.

Senator Klein to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

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

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

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

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

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

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator Klein to be recorded in the affirmative.

Next, Senator Perkins to explain his vote.

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

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

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

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

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

So I'm happy to support this legislation.

THE PRESIDENT: Thank you, Senator.

Senator Perkins to be recorded in the affirmative.

Senator Stavisky to explain her vote.

SENATOR STAVISKY: Yes, thank you,

Mr. President.

I do commend the livery drivers. But I spoke to a number of the livery cab folks in my Senate district, and they have misgivings about the bill.

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

And I very reluctantly vote no, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator Stavisky to be recorded in the negative.

Senator Dilan, to explain his vote.

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

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

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

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

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

Thank you.

THE PRESIDENT: Thank you, Senator.

Senator Dilan will be recorded in the affirmative.

Next, Senator Golden to explain his vote.

SENATOR GOLDEN: Thank you, Mr. President.

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

well.

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

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

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

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

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

Thank you. I vote aye.

THE PRESIDENT: Thank you, Senator.

Senator Golden will be recorded in the affirmative.

Senator Montgomery to explain her vote.

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

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

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

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

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

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

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator Montgomery will be recorded in the affirmative.

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

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

Stewart-Cousins, and Zeldin.

Ayes, 40. Nays, 21.

THE PRESIDENT: The bill is passed.

(Applause from the gallery.)

THE PRESIDENT: {Gaveling.}

The Secretary will read.

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

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

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

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

THE PRESIDENT: The Senate stands at ease.

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

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

THE PRESIDENT: The Senate will

come to order.

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

Senator Skelos.

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

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

THE PRESIDENT: Messages from the Assembly.

The Secretary will read.

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

THE PRESIDENT: So ordered.

The Secretary will read.

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

SENATOR DIAZ: Lay it aside.

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

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

SENATOR SKELOS: Move to accept.

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

(Response of "Aye.")

THE PRESIDENT: Any opposed?

(Response of "Nay.")

THE PRESIDENT: The message is accepted.

The bill is laid aside.

The Secretary will read.

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

THE PRESIDENT: Senator Skelos.

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

THE PRESIDENT: There is a message

at the desk.

SENATOR SKELOS: Move to accept.

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

(Response of "Aye.")

THE PRESIDENT: Any opposed?

(Response of "Nay.")

THE PRESIDENT: The message is accepted.

SENATOR DIAZ: Lay it aside.

THE PRESIDENT: Lay the bill aside.

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

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

THE PRESIDENT: The Secretary will read.

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

UNIDENTIFIED SENATOR: Explanation.

THE PRESIDENT: Senator Duane for an explanation.

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

THE PRESIDENT: This is the chapter amendment.

SENATOR DUANE: All right.

(Laughter.)

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

THE PRESIDENT: Senator Duane --

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

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

THE PRESIDENT: The Senator has yielded.

Senator Saland.

SENATOR SALAND: Thank you,

Mr. President.

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

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

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

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

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

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

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

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

exemption, I'm sorry. Religious exception.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

has been an extremely difficult issue to deal with.

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

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

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

As I said, I understand that I will

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

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator Saland.

Senator Diaz.

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

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

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

SENATOR DIAZ: He chooses not to yield.

THE PRESIDENT: The Senator chooses not to yield.

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

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

THE PRESIDENT: Senator Diaz, it's --

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

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

SENATOR DIAZ: Thank you, Mr. President.

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

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

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Diaz to explain his vote.

SENATOR DIAZ: Thank you, Mr. President.

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

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

But I'm voting no.

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

Senator Hannon to explain his vote.

SENATOR HANNON: Thank you, Mr. President.

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

amendment.

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

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

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

Thank you.

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

SENATOR HANNON: Yes.

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

The Secretary will announce the results. In a moment. The Secretary will announce the results.

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

Ayes, 36. Nays, 26.

THE PRESIDENT: The bill is passed.

(Applause from the gallery.)

THE PRESIDENT: (Gaveling repeatedly).

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

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

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Diaz to explain his vote.

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

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

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

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

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

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

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

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

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

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

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

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

THE PRESIDENT: No, just --

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

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

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

going to speak on the bill.

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

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

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

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

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

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

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

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

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

THE PRESIDENT: I just asked you,

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

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

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

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

THE PRESIDENT: Senator --

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

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

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

SENATOR DIAZ: Mr. President,

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

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

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

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

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

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

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

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

THE PRESIDENT: Please.

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

THE PRESIDENT: Please finish, sir.

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

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

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

Thank you, Mr. President.

THE PRESIDENT: Senator, thank you.

Senator Diaz will be recorded in the negative.

Senator Breslin.

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

Senator Breslin.

SENATOR DUANE: Thank you, Mr. President.

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

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

They were very concerned for me.

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

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

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

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

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

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

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

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

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

important issue today.

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

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

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

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

SENATOR DUANE: Yes, Mr. President.

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

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

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

Marriage recognizes that love and commitment.

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

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

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

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

(Laughter.)

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

Thank you.

THE PRESIDENT: Thank you, Senator.

Senator Duane will be recorded in the affirmative.

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

The first is Senator Grisanti.

SENATOR GRISANTI: Yes, Mr. President.

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

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

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

of people on both sides of this issue.

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

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

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

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

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

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

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

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

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

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

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

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

I vote in the affirmative, Mr. President.

(Extended applause from the gallery.)

THE PRESIDENT: Senator Skelos. Senator Skelos.

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

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

(Pause in proceedings.)

SENATOR SKELOS: Mr. President.

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

To explain your vote, Senator

Kruger.

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

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

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

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

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

When SONDA came to this floor, I

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

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

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

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

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

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

I vote yes. Thank you.

(Applause from the gallery.)

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

Senator Kruger will be recorded in the affirmative.

The Secretary will announce the results.

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

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

Ayes, 33. Nays, 29.

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

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

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

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

Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

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

THE PRESIDENT: The Secretary will read.

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

THE PRESIDENT: Senator Skelos, so ordered.

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

THE PRESIDENT: The calendar is recommitted.

SENATOR SKELOS: Mr. President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: I move that the Senate stands --

THE PRESIDENT: {Gaveling.}

Close the doors, please.

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

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

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