NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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January 4, 2012

12:38 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 now come to order.

I ask everyone again to please rise and repeat the Pledge of Allegiance with me.

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

THE PRESIDENT: We are joined today by His Eminence Archbishop Demetrios of America, Primate of the Greek Orthodox Church in America. And His Eminence will give our invocation.

Your Eminence.

ARCHBISHOP DEMETRIOS: Honorable Lieutenant Governor, distinguished Senators of this very beautiful Senate, ladies and gentlemen. Good afternoon and Happy and Blessed New Year. It's a great honor and a great pleasure to be with you today.

And so now let's bow our heads to the Lord in prayer.

Almighty God, creator and

sustainer of the universe, Lord of life and giver of every good and perfect gift, we give thanks unto You for this new year, a year crowned with mercy and peace.

We open our hearts in gratitude for the privilege of being citizens of this great nation and for enjoying the benefits of living in the Empire State of New York, where natural beauty, rich resources, vital and diverse neighborhoods, dedicated leaders and a stable government bestow abundant blessings on all.

Lord, as You are the source of all wisdom and insight, we ask You to grant our noble Senators an extraordinary measure of these virtues, so that with foresight, sensitivity, and creativity they may perform their duties in these times of tremendous challenges and opportunities.

Grant them hearts of compassion for the needy, enlighten their minds with the virtues of tolerance, respect, and passion for justice.

Throughout their deliberations in this 2012 session, grant unto them and to

those who work with them health, peace, and safety in all their ways.

Keep them ever mindful of the high honor and responsibility that rests upon them as representatives of the people of our state and as bearers of the lawful authority that comes only from You, O God.

Be our guide, our helper, our comfort and our leader as we call upon You through the year ahead, for Yours is to show us great mercy and to bless us abundantly, and to You we give glory now and forever, unto the ages of ages.

Amen.

THE PRESIDENT: Thank you, Your Eminence.

The Secretary will now call the roll to ascertain a quorum.

THE SECRETARY: Senator Adams.

SENATOR ADAMS: Aye.

THE SECRETARY: Senator Addabbo.

SENATOR ADDABBO: Here.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Here.

THE SECRETARY: Senator Avella.

SENATOR AVELLA: Here.
THE SECRETARY: Senator Ball.
SENATOR BALL: Here.
THE SECRETARY: Senator Bonacic.
SENATOR BONACIC: Here.
THE SECRETARY: Senator Breslin.
SENATOR BRESLIN: Here.
THE SECRETARY: Senator Carlucci.
SENATOR CARLUCCI: Here.
THE SECRETARY: Senator DeFrancisco.
SENATOR DeFRANCISCO: Here.
THE SECRETARY: Senator Diaz.
(No response.)
THE SECRETARY: Senator Dilan.
SENATOR DILAN: Here.
THE SECRETARY: Senator Duane.
SENATOR DUANE: Here.
THE SECRETARY: Senator Espaillat.
SENATOR ESPAILLAT: Here.
THE SECRETARY: Senator Farley.
SENATOR FARLEY: Here.
THE SECRETARY: Senator Flanagan.
SENATOR FLANAGAN: Here.
THE SECRETARY: Senator Fuschillo.

SENATOR FUSCHILLO: Here.
THE SECRETARY: Senator Gallivan.
SENATOR GALLIVAN: Here.
THE SECRETARY: Senator Gianaris.
SENATOR GIANARIS: Here.
THE SECRETARY: Senator Golden.
SENATOR GOLDEN: Here.
THE SECRETARY: Senator Griffo.
SENATOR GRIFFO: Here.
THE SECRETARY: Senator Grisanti.
SENATOR GRISANTI: Here.
THE SECRETARY: Senator Hannon.
(No response.)
THE SECRETARY: Senator Hassell-Thompson.
SENATOR HASSELL-THOMPSON: Here.
THE SECRETARY: Senator Huntley.
SENATOR HUNTLEY: Here.
THE SECRETARY: Senator Johnson.
SENATOR JOHNSON: Here.
THE SECRETARY: Senator Kennedy.
SENATOR KENNEDY: Here.
THE SECRETARY: Senator Klein.
SENATOR KLEIN: Here.
THE SECRETARY: Senator Krueger.

SENATOR KRUEGER: Here.
THE SECRETARY: Senator Lanza.
SENATOR LANZA: Here.
THE SECRETARY: Senator Larkin.
SENATOR LARKIN: Here.
THE SECRETARY: Senator LaValle.
SENATOR LaVALLE: Here.
THE SECRETARY: Senator Libous.
SENATOR LIBOUS: Happy to be here.
THE SECRETARY: Senator Little.
SENATOR LITTLE: Here.
THE SECRETARY: Senator Marcellino.
SENATOR MARCELLINO: Happy New Year.
THE PRESIDENT: Senator Skelos, a quorum is present.
Next, presentation of petitions.
Any messages from the Assembly.
Messages from the Governor.
The Secretary will read.
THE SECRETARY: A message from the Governor was received and read in the words following:
"Dear Majority Leader Skelos:
"I would appreciate the privilege of

the presence of all the members of the New York State Senate at the Empire State Plaza Convention Center on January 4, 2012 at 1:30 p.m.

"Very truly yours, Andrew M. Cuomo."

THE PRESIDENT: To be filed in the Journal.

If I could start, Senator Skelos, I just want to -- on behalf of Governor Cuomo, I want to thank this body. I want to thank you, sir, for your leadership, Senator Libous, Senator Sampson, on the Democratic Conference, Senator Breslin, and this entire body for your support and leadership and work in the past year. It has been an honor and a privilege to be up here being part of this body.

And last year when I made my opening comments I talked about the sheer beauty of this chamber. And the work that you have done has matched that beauty in the last year.

You have made this state proud. You have served the people of this state. There has been tremendous work that was done, led by the great Governor of our state, but also with the support of this body and the Assembly, and it's made us very, very proud.

So I want to wish you all a very Happy New Year, welcome you back. And again, it is an honor. And hopefully we'll even surpass last year's expectations this year.

Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

If you would recognize Senator Sampson.

THE PRESIDENT: Senator Sampson.

SENATOR SAMPSON: Thank you very much, Mr. President. Thank you very much, Senator Skelos.

And I want to give a special welcome to His Eminence Archbishop Demetrios of the Greek Orthodox Church. Thank you very much for that prayer. And I'm glad, with the help of Governor Cuomo, we were able to ensure that St. Nicholas Church will be rebuilt at Ground Zero.

I don't think anyone in this room will disagree, but by working together we accomplished some amazing things last year. Under the leadership of Governor Cuomo, Senate Democrats had one of the most productive and

progressive legislative years in modern history.

We passed marriage equality, created a fairer tax code for the State of New York, strengthened ethics laws, secured affordable housing for millions of New Yorkers, and established a new economic recovery plan that will create jobs. And we also reduced unemployment in our most vulnerable communities.

We made it clear that government's top priorities must be about helping our citizens, not political posturing, empty rhetoric, and/or broken promises. Government works best when we listen to all the people, not just the 1 percent.

But as we sit here today at the start of another legislative session, we must remember that our work is far from over. We still face an approximately $2 billion budget deficit that must be dealt with in a fair and equitable manner. Millions of New Yorkers feel the pain of being ignored and disenfranchised. Too many of our residents are struggling to just get by.

It used to be simple: If you played by the rules and you worked hard, you could

provide for your family. New York was a place where people came to get a better life. If you can make it in New York, you can make it anywhere.

I think everyone in this room believes that we've changed Albany for the better.

Senator Skelos and my colleagues, the Democrats in this chamber stand ready to assist you in all endeavors. We will support you when we agree; we will challenge you when we disagree. As John F. Kennedy once said, "Let us not despair, but act. Let us not seek the Republican answer or the Democratic answer. Let us not seek to fix the blame for the past. Let us accept our own responsibility for the future."

During this legislative session we must, one, keep our pledge on redistricting, protect our families from crime, protect the rights of women, pass the Reproductive Health Act, protect the water we drink and the air we breathe, increase access to higher education, recognize the importance of our immigrant community, enact the President's healthcare exchange, and continue something that we started

last year, continue job creation but with a concentration -- and I repeat -- a concentration on women in the workforce.

I look forward to working with all of you in ensuring that this legislative agenda is passed this year.

And finally, I want to take this time to recognize and thank the staffs for doing a phenomenal job on both sides of the aisle. We salute you, we respect you, and we want to thank you for enduring what we had to do last year.

And to all of my colleagues, we look forward to having a very productive legislative session. Congratulations and Happy New Year.

Thank you very much.

THE PRESIDENT: Thank you, Senator.

Senator Skelos.

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

Let me start off by welcoming His Eminence here. Not only is he the spiritual leader of my church in this great country, he's also a spiritual leader of people of all faiths.

So we welcome you, Your Eminence, to

our chamber.

(Applause.)

SENATOR SKELOS: Lieutenant Governor Duffy, it's an honor to have you presiding once again this year. And let me assure you that it will be another bipartisan and productive session.

And Senator Sampson and all of my colleagues, welcome to the 2012 legislative session.

Last year we made the Senate functional again. And I think that was critically important in restoring the faith of the people of this state in this legislative body and in Albany. We closed a $10 billion deficit through difficult but real spending cuts. We provided tax relief to millions of New Yorkers. We enacted a property tax cap. And we eliminated the job-killing MTA payroll tax for tens of thousands of businesses and for all of our schools, both public and private. We passed New York-SUNY 2020, reduced taxes on upstate manufacturers, and laid the groundwork for the creation of thousands of new jobs.

Many of these accomplishments were

long-held Senate Republican priorities passed and signed into law because we finally had a partner in Governor Cuomo.

While our accomplishments were many, our conflicts were few. Unlike what we're seeing in Washington, we reached across the aisle to find common ground. We listened and we led. And we achieved real results.

Despite our successes, New York still faces many challenges. Government must work smarter and better, and we must continue to spend less. It's time to enact mandate relief and pension reform to ease the burden on local taxpayers. And we must help the private sector create jobs so we can get this economy moving again. Creating jobs has to be Job Number One for this Legislature and this Governor.

My colleagues, let's keep our good beginning going. If we continue to work together in a bipartisan manner, we can accomplish anything and we can make this session even more productive than the last one.

Thank you very much, Mr. President

THE PRESIDENT: Thank you, Senator.

(Applause.)

THE PRESIDENT: We'll now return to the order of business.

First, reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a resolution at the desk. I request that it be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Skelos, Senate Resolution resolved that the Temporary President appoint a committee of two to inform the Governor that the Senate is organized and ready to proceed with business.

"RESOLVED, That the Temporary President appoint a committee of two, comprised of Senator Gallivan and Senator Espaillat, for the purpose of informing the Governor that the Senate is organized and ready to proceed with

business."

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos appoints Senators Gallivan and Espaillat to inform the Governor that the Senate is organized and ready to proceed and to receive the Governor's message in the Empire State Plaza Convention Center at 1:30 p.m. today.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's another resolution at the desk. I request that it be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Skelos, Senate Resolution resolved that the Temporary President appoint a committee of two to wait upon

the Assembly and inform that body that the Senate is organized and ready to proceed with business.

"RESOLVED, That the Temporary President appoint a committee of two, comprised of Senator Zeldin and Senator Avella, for the purpose of waiting upon the Assembly and informing that body that the Senate is organized and ready to proceed with business."

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos appoints Senators Zeldin and Avella to inform the Assembly that the Senate is organized and ready to proceed and to receive the Governor's message in the Empire State Plaza Convention Center at 1:30 p.m. today.

Senator Skelos.

SENATOR SKELOS: Mr. President, is there any other business at the desk?

THE PRESIDENT: I'm happy to

announce, Senator, that the desk is clear.

SENATOR SKELOS: I would urge members to move to the Convention Center as quickly as possible so that we can all be in at the appropriate time and listen to the Governor's message.

There being no further business to come before the Senate, I move we stand adjourned until Monday, January 9th, at 3:00 p.m.

We will now proceed to the Empire State Convention Center for the Governor's State of the State address.

THE PRESIDENT: On motion, the Senate stands adjourned until Monday, January 9th, at 3:00 p.m., intervening days being legislative days.

The Senate will now proceed to the Empire State Plaza Convention Center for the Governor's State of the State.

(Whereupon, at 12:52 p.m., the Senate adjourned.)