

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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7  
8 ALBANY, NEW YORK

9 January 9, 2012

10 4:03 p.m.

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13  
14 REGULAR SESSION

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17  
18 SENATOR JOSEPH A. GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary



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

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

4                   I ask all present to please  
5   rise.

6                   Today the colors will be  
7   presented by the Colonel Francis S. Gabreski  
8   Cadet Squadron of the Civil Air Patrol from  
9   Long Island. The colors will now be  
10  presented and posted.

11                  (The Color Guard presented  
12  colors.)

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

16                  (The Color Guard posted colors  
17  and exited the chamber.)

18                  ACTING PRESIDENT GRIFFO:  
19  Again, our thanks to the Colonel Francis S.  
20  Gabreski Cadet Squadron of the Civil Air  
21  Patrol, from Long Island.

22                  In the absence of clergy, I ask  
23  that we all bow our heads in a moment of  
24  silent prayer.

25                  (Whereupon, the assemblage



1       respected a moment of silence.)

2                   ACTING PRESIDENT GRIFFO:     The  
3       reading of the Journal.

4                   THE SECRETARY:     In Senate,  
5       Sunday, January 8, the Senate met pursuant to  
6       adjournment. The Journal of Saturday,  
7       January 7, was read and approved. On motion,  
8       Senate adjourned.

9                   ACTING PRESIDENT GRIFFO:  
10      Without objection, the Journal stands  
11      approved as read.

12                   Presentation of petitions.

13                   Messages from the Assembly.

14                   Messages from the Governor.

15                   Let the record show that we are  
16      in receipt of the State of the State message  
17      from the Governor. I hand it down and ask  
18      that it be filed in the Journal.

19                   Reports of standing committees.

20                   The Secretary will read.

21                   THE SECRETARY:     Senator  
22      DeFrancisco, from the Committee on Finance,  
23      reports the following nominations.

24                   As a member of the New York  
25      State Council on the Arts, Agnes Gund, of



1 New York City.

2 ACTING PRESIDENT GRIFFO:

3 Senator DeFrancisco.

4 SENATOR DEFRANCISCO: Yes, as  
5 to that nomination of Agnes Gund of New York  
6 City for a member of the New York State  
7 Council on the Arts, I move the nomination.

8 ACTING PRESIDENT GRIFFO: The  
9 question is on the nomination of Agnes Gund  
10 as a member of the New York State Council on  
11 the Arts. All in favor signify by saying  
12 aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT GRIFFO:

15 Opposed?

16 (No response.)

17 ACTING PRESIDENT GRIFFO: Agnes  
18 Gund is hereby confirmed as a member of the  
19 New York State Council on the Arts.

20 The Secretary will read.

21 THE SECRETARY: As chairman and  
22 CEO of the Metropolitan Transportation  
23 Authority, Joseph J. Lhota, of Brooklyn.

24 ACTING PRESIDENT GRIFFO:

25 Senator DeFrancisco.



1                   SENATOR DEFRANCISCO:    I want to  
2   congratulate the nomination of Joseph J.  
3   Lhota by the Governor.   And I move his  
4   nomination.   It's an outstanding nomination,  
5   an individual well-qualified who will do an  
6   outstanding job for the State of New York.

7                   And I move the nomination and  
8   request that you recognize the chairman of  
9   Transportation to second the nomination.

10                  ACTING PRESIDENT GRIFFO:   The  
11   chair recognizes Senator Chuck Fuschillo.

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

14                  Let me join with Senator  
15   DeFrancisco and thank the Governor for this  
16   fine nomination.   And I want to thank Joe  
17   Lhota for coming back to public service and  
18   willing to serve the taxpayers of New York  
19   State and leaving the private sector.

20                  It's refreshing, Mr. President,  
21   how when somebody comes before our committee  
22   in the Transportation Committee -- and he was  
23   unanimously approved -- that we hear honest  
24   and open answers from Mr. Lhota.

25                  The task of being the chairman



1 and the CEO is enormous, but I'm confident  
2 that he's up to it. Let alone managing the  
3 finances, there's a perception problem, an  
4 integrity problem, a problem of honesty and a  
5 problem of accountability. And all of that  
6 needs to be changed. Because let's not  
7 forget, this is a taxpayer-funded authority.  
8 And the taxpayers want to be assured that  
9 they're getting the big buck for their  
10 dollar.

11 And we've heard that this is the  
12 most bloated bureaucracy in the country.  
13 We've heard about the double books. We've  
14 heard about every problem. We've even seen  
15 people on the front page of the Post the  
16 other day playing chess when they should be  
17 working.

18 And I must say that Mr. Lhota  
19 probably is one of the accessible candidates  
20 that's ever come before our committee. I've  
21 appreciated his openness, his frankness. And  
22 I'm confident that he has the ability and the  
23 experience to lead the MTA.

24 I vote yes.

25 ACTING PRESIDENT GRIFFO: Thank



1       you, Senator Fuschillo.

2                       Senator Smith.

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

5                       I also rise to congratulate the  
6       Governor on an excellent selection.   As  
7       Senator Fuschillo said, we are actually  
8       honored that Joe would decide to come back to  
9       public service.

10                      I will say that I'm sure the  
11       Madison Square Garden family is not happy  
12       that you have chosen to come back.   But you  
13       are coming to an agency -- the MTA is a  
14       monster conglomerate.   And it requires the  
15       kind of talent, intellect, the kind of state  
16       of mind that you have to put it on the right  
17       track.   We have tried to tackle the MTA for  
18       years.   And I will tell you, if anybody can  
19       accomplish that, I think it's you.

20                      So again, congratulations to  
21       you, congratulations to the Governor,  
22       Mr. Chairman DeFrancisco as well.   Great job  
23       on this selection.

24                      ACTING PRESIDENT GRIFFO:   Thank  
25       you.



1 Senator Squadron.

2 SENATOR SQUADRON: Thank you  
3 very much, Mr. President. I also rise in  
4 support of the nomination of Joe Lhota today  
5 to the MTA.

6 In addition to a record that  
7 shows that he is going to be able to come  
8 into this agency that's in such desperate  
9 need of strong leadership and exhibit it, the  
10 Governor has also wisely chosen Senate  
11 district residency for Mr. Lhota. He is a  
12 constituent of mine, and I'm very proud of  
13 that and look forward to working with him on  
14 issues in downtown Brooklyn, across the city,  
15 and across the state.

16 And we're very lucky that he is  
17 willing to come back to public service. And  
18 I look forward to working with you and really  
19 enjoyed an open, honest and, as Senator  
20 Fuschillo said, particularly substantive  
21 confirmation discussion earlier. That's  
22 exactly what we hope to see in a great way to  
23 get started -- I know he's already gotten  
24 started, but a great way to take the next  
25 step.



1 I enthusiastically vote aye.

2 ACTING PRESIDENT GRIFFO:

3 Senator Marcellino.

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

6 Mr. Lhota, your predecessor I  
7 voted against twice. I voted against him in  
8 Finance and I voted against him here on the  
9 floor because I didn't think he got the idea  
10 and I didn't think he understood that the  
11 taxpayers pay for this system that you are  
12 going to be charged with running.

13 Residents of my district pay  
14 upwards of 20 percent of their salary, before  
15 anything else, just to go to work using  
16 MTA-affiliated lines -- the Long Island  
17 Railroad, the subways, buses and the rest.  
18 That's a heck of a lot of money.

19 The MTA must seek any and every  
20 possible savings before they turn to the  
21 public for an increase in fare. That is the  
22 last place to go. We must look -- you must  
23 look, because that's going to be your charge,  
24 you must look for every possible savings that  
25 can be had, every revenue stream that can be



1     made other than going back to the ratepayer,  
2     going back to the commuting public, your  
3     customers. Your customers. Because they're  
4     the ones who can least afford increases in  
5     their fares using a necessary way to get them  
6     to their jobs.

7                     We don't want them driving.  
8     We don't want them on our roads. We want  
9     them in mass transportation. But the mass  
10    transportation system has to be affordable.  
11    If it's not, they go back to their cars.  
12    Then we get air problems, then we get  
13    congestion problems and we have fuel  
14    problems. We don't need that.

15                    So, Mr. President, I'm going to  
16    vote yes because I like what I heard in the  
17    Finance Committee from Mr. Lhota. I believe  
18    he understands it. I believe he gets it.  
19    And my hopeful "yes" will be there. And  
20    please, let's not disappoint -- because I'm  
21    not that important in the scheme of things.  
22    My constituents, the ratepayers, they're the  
23    important ones. We're doing this for them.

24                    So I'm going to vote yes,  
25    Mr. Chairman, a hopeful yes.



1                   ACTING PRESIDENT GRIFFO:

2       Senator Perkins.

3                   SENATOR PERKINS:     Thank you  
4       very much.

5                   I just want to add my  
6       congratulations and support to the nominee.  
7       I'd like to consider this the return of the  
8       Rat Czar, someone whom I've had a wonderful  
9       experience with as a member of the City  
10      Council when he was in city government. And  
11      of course that issue is still a concern of  
12      mine, and obviously it's a big concern within  
13      the transit system.

14                  But I also know that he's been  
15      someone that has done a good job as a  
16      manager, is very appreciative of the need for  
17      transparency and accountability. And I'm  
18      confident that he will be accessible. What  
19      we really need are those who are representing  
20      the Governor to be accessible to us and to  
21      our communities so that they can get a  
22      firsthand understanding about what's actually  
23      going on with the system.

24                  So I look forward to working  
25      with him and supporting him, and I want to



1 commend the Governor for the outstanding  
2 choice that he's made. I vote aye.

3 ACTING PRESIDENT GRIFFO:  
4 Senator Saland.

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

7 Mr. President, you and the  
8 members of this chamber know that on more  
9 than one occasion I have spoken up in  
10 frustration, if not anger, with regard to my  
11 county, the county in which I reside,  
12 Dutchess County, suffering the indignity of  
13 being a revenue hostage in the Metropolitan  
14 North portion of the MTA.

15 I mentioned in our Finance  
16 meeting when I addressed and engaged  
17 Mr. Lhota that I had voted against his  
18 predecessor, notwithstanding the fact that he  
19 had a very impressive resume, and basically  
20 said to him I hope he proved me wrong. Well,  
21 history shows that he didn't prove me wrong.

22 I pointed out to Mr. Lhota the  
23 inequities that Dutchess County and the other  
24 so-called "quarter-pounders" suffer under the  
25 system, and asked for equity and asked that



1 in fact he would use his position to examine  
2 what I consider to be the inequities suffered  
3 by the four quarter-pounders. And in quite  
4 good spirit, and if not graciously, he said  
5 he would do just that.

6 And based upon his presentation,  
7 and based upon the fact that he requested  
8 that I would in fact support him, I'm  
9 prepared to do that, based upon his  
10 reputation for honesty, based upon his  
11 representation that he would pursue the issue  
12 of equity. And I am hopeful that he and I  
13 and those in the northern part of the  
14 Metro-North region, especially those whom I  
15 represent in Dutchess County, can find some  
16 equity, and look forward to the opportunity  
17 to engaging with him.

18 Congratulations.

19 ACTING PRESIDENT GRIFFO:

20 Senator Montgomery.

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

23 And I rise to join my colleagues  
24 in congratulating the Governor for selecting  
25 Mr. Lhota.



1                   And I, not having had the  
2                   pleasure of a prior experience working with  
3                   him, was listening carefully to what he  
4                   promises us and how he sounds to us. And I  
5                   wrote down a quote from him, which was this:  
6                   "Two sets of books need to end." That was a  
7                   direct quote.

8                   And I certainly appreciate  
9                   that -- I know all of us in here do, because  
10                  we've had the difficulty of trying to figure  
11                  out exactly what was going on with the MTA in  
12                  terms of management and fiscal issues. And  
13                  he has promised to end that, and I certainly  
14                  appreciate that.

15                  And I like the fact that he  
16                  talks about "one MTA." And I certainly hope  
17                  that he will be able to change the culture  
18                  and the dynamic of having my Long Island  
19                  colleagues stand up and be so angry with  
20                  New York City, and Westchester colleagues and  
21                  Orange County colleagues stand up and be  
22                  angry with New York City.

23                  He talks about "one MTA." And I  
24                  think that's what we really, really need at  
25                  this point in time, is management under a



1 person who seems to really be understanding  
2 of this as a whole system and who's willing  
3 to talk about transparency in a way that  
4 we've all asked for.

5 So thank you and  
6 congratulations, Mr. Lhota.

7 ACTING PRESIDENT GRIFFO:  
8 Senator Golden.

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

11 I stand here to congratulate our  
12 new chairman of the MTA. He comes from  
13 Brooklyn, I come from Brooklyn, the County of  
14 Kings. And I'm proud to be here today and  
15 having this nomination process pass for a  
16 great leader here that's going to take this  
17 MTA and take it in the right direction.

18 Here's a man that was a manager  
19 under Rudy Giuliani, the mayor of the City of  
20 New York during the 1990s. He managed our  
21 educational system, our transportation  
22 system, our public safety system, and right  
23 through the collapse and the terrible tragedy  
24 of 9/11. And we've seen the dust and the  
25 dirt on this man and on the mayor and on his



1 team as they worked right through that to  
2 make sure that they brought back this great  
3 city, brought back its transportation  
4 system.

5 And he has done an outstanding  
6 job and wants to continue in government and  
7 to give back to government. To me, that says  
8 a whole lot about this person, what type of  
9 person he is. And that, to me, is a good  
10 man, a good leader.

11 And we here in the MTA region  
12 and the State of New York are very lucky to  
13 have a man of your caliber. Thank you, and  
14 congratulations.

15 ACTING PRESIDENT GRIFFO: Is  
16 there any other member wishing to be heard?

17 Senator Diaz.

18 SENATOR DIAZ: Thank you,  
19 Mr. President. And Happy New Year.

20 Today I'm glad that you are  
21 giving me the opportunity to express myself,  
22 due to the fact that last time when I tried  
23 to express myself, the last time I stood over  
24 here, my rights were violated and nobody  
25 defended me. But I'm glad that now you are



1 allowing me to express myself --

2 ACTING PRESIDENT GRIFFO: That  
3 wasn't me, Senator Diaz.

4 SENATOR DIAZ: I'm glad you're  
5 now allowing me and you are not denying me my  
6 rights to speak.

7 Today, you know -- as you all  
8 know, I disagree with Governor Cuomo many  
9 times. Most of the times. But today I am  
10 joining my colleagues in thanking the  
11 Governor for appointing Mr. Lhota.

12 I was part of those people that  
13 helped Rudy Giuliani get elected in the City  
14 of New York, and I'm proud to know Joe Lhota,  
15 the way he did -- the effort that he put to  
16 stop crimes and to make the city livable.  
17 And I'm proud of him, and I am supporting  
18 this nomination.

19 However, I have one question,  
20 one request for Mr. Lhota. I don't know -- I  
21 represent the 32nd Senatorial District, and  
22 there is a subway station in my district --  
23 as a matter of fact, Parkchester Subway  
24 Station. It was renovated. A lot of  
25 millions of dollars were put in there.



1                   I am not an engineer, I am not  
2                   as smart as you are. But it seems to me that  
3                   when you put millions of dollars to renovate  
4                   a subway station, the first thing that you  
5                   take into consideration are the senior  
6                   citizens and the handicapped, those who are  
7                   going to be using the subway station.

8                   I don't know who was the genius  
9                   that planned and renovated and spent millions  
10                  of dollars renovating Parkchester Subway  
11                  Station and did not include an elevator or an  
12                  electric stairway for the handicapped and for  
13                  the senior citizens.

14                  So I'm asking Mr. Lhota to look  
15                  into that and to see, from the bottom of his  
16                  heart -- and from one of those books that the  
17                  MTA has -- that there is some money to fix  
18                  the problem that they created in  
19                  Parkchester.

20                  And I'm today and with that,  
21                  Mr. President, thanking you again for  
22                  allowing me to express myself. And I hope  
23                  that my rights will never be taken away  
24                  again. Thank you very much. And I vote yes.

25                  ACTING PRESIDENT GRIFFO:



1 Senator Diaz, it's always exciting and  
2 sometimes entertaining to hear what you have  
3 to offer on the issues.

4 SENATOR DIAZ: Thank you.

5 ACTING PRESIDENT GRIFFO: I ask  
6 if there's any other member that wishes to be  
7 heard.

8 If not, I call on Senator  
9 DeFrancisco to close.

10 SENATOR DEFRANCISCO: Yes. I  
11 not only want to compliment the Governor for  
12 this nomination but, you know, we talk about  
13 public service and trying to be someone that  
14 gives something back to the community. And  
15 this is a situation where an individual,  
16 Joseph Lhota, is actually leaving private  
17 business, leaving the private sector at a  
18 great financial sacrifice to go into a job  
19 that is probably the hardest job other than  
20 Governor of the State of New York.

21 Just to have that commitment to  
22 the people of the State of New York, I'm  
23 convinced that he is going to have all of  
24 these issues that people have spoken about at  
25 heart when he tries to lead the MTA out of



1 the doldrums that it's been in for so many  
2 years.

3               So I really want to thank him  
4 for being willing to do this, especially with  
5 the government background that he's got. So  
6 he's got the experience and he's clearly got  
7 the good reasons to come into this position;  
8 namely, to serve the people of the State of  
9 New York. So I very proudly vote yes on this  
10 nomination.

11               Thank you, Mr. President.

12               ACTING PRESIDENT GRIFFO: Thank  
13 you, Senator DeFrancisco.

14               The question is on the  
15 nomination of Joseph J. Lhota as chairman and  
16 CEO of the Metropolitan Transportation  
17 Authority. All in favor signify by saying  
18 aye.

19               (Response of "Aye.")

20               ACTING PRESIDENT GRIFFO:  
21 Opposed?

22               (No response.)

23               ACTING PRESIDENT GRIFFO: The  
24 nomination of Joseph J. Lhota as CEO and  
25 chairman of the Metropolitan Transportation



1 Authority is hereby confirmed.

2 (Applause.)

3 ACTING PRESIDENT GRIFFO:

4 Mr. Lhota, we congratulate you and extend our  
5 best wishes.

6 The Secretary will read.

7 THE SECRETARY: As executive  
8 director of the New York State Thruway  
9 Authority, Thomas J. Madison, of Waterford.

10 ACTING PRESIDENT GRIFFO:

11 Senator DeFrancisco.

12 SENATOR DEFRANCISCO: I move  
13 the nomination and request that you recognize  
14 Senator Fuschillo to second.

15 ACTING PRESIDENT GRIFFO:

16 Senator Fuschillo.

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

19 Once again, I want to compliment  
20 Governor Cuomo on his nomination. This is  
21 another individual that's coming out of the  
22 private sector, and I asked him why. He said  
23 because he wants to serve the people. And  
24 that I admire greatly.

25 The task and the challenges are



1 enormous in these economic conditions: To  
2 come up with money without overburdening our  
3 taxpayers and our individuals that drive and  
4 use it for residential or commercial or  
5 business purposes, our Thruway, as well as  
6 the responsibility of overseeing the Erie  
7 Canal.

8 I want to thank Tom, former  
9 commissioner of the DOT and a former federal  
10 highway official, for having the willingness  
11 to come back and serve the people of New York  
12 State.

13 A major project coming up in  
14 New York State is the rebuilding of the  
15 Tappan Zee Bridge. And I'm very confident,  
16 with him at the stewardship of the Thruway  
17 Authority, that the expedited review,  
18 design-build, and once we complete and give  
19 them the authority for public/private  
20 partnerships, that it will be a very  
21 successful project. I vote aye,  
22 Mr. President.

23 Thank you very much, and  
24 congratulations.

25 ACTING PRESIDENT GRIFFO:



1 Senator Libous.

2 SENATOR LIBOUS: Thank you,  
3 Mr. President. I'm very proud to stand up  
4 and second the nomination, after Senator  
5 Fuschillo, of Tom Madison, who I know very  
6 well and who comes from that great part of  
7 the state, the Southern Tier.

8 But I know Tom as a  
9 professional, certainly with his time at DOT,  
10 his time in Washington, D.C., and his  
11 expertise, as Senator Fuschillo said, in  
12 public/private partnerships.

13 It's great to have you come to  
14 the Thruway Authority. You will do an  
15 outstanding job. The Governor has made a  
16 great choice here. And I look forward to  
17 working with you on behalf of all of those  
18 constituents who ride from Buffalo to  
19 New York City.

20 ACTING PRESIDENT GRIFFO:  
21 Senator Nozzolio.

22 SENATOR NOZZOLIO: Thank you,  
23 Mr. President. On the nomination.

24 Mr. President and my colleagues,  
25 I echo the comments put forward by the



1 chairman of the Transportation Committee and  
2 the Deputy Majority Leader about the wisdom  
3 of this appointment.

4 I too share their support,  
5 enthusiasm, and compliment Governor Cuomo for  
6 his wisdom in reaching out to an individual  
7 who has unique experience not only as a state  
8 transportation director, but also within the  
9 federal Transportation Department, a  
10 combination that will bode well for the  
11 taxpayers of this state.

12 I should sprinkle in the fact  
13 that we have one of our own, and one who  
14 worked in the Legislature, both the Assembly  
15 and the Senate, for that type of experience  
16 and background. I think it's a unique  
17 combination and one that is extremely  
18 well-suited for this new position.

19 Tom has always been a very  
20 gregarious, outgoing commissioner, one who  
21 knew that it was important to communicate  
22 with those who direct policy. And I'm very  
23 excited by the fact that he has decided to  
24 take on this very important responsibility.  
25 As one who has the largest stretch of the



1 New York State Thruway and the New York State  
2 Canal System in his district, I for one am  
3 very pleased with this nomination.

4 So congratulations, Tom. We  
5 look forward to working with you in this new  
6 capacity.

7 Thank you, Mr. President.

8 ACTING PRESIDENT GRIFFO:

9 Senator Kennedy.

10 SENATOR KENNEDY: Thank you  
11 very much, Mr. President.

12 First of all, I want to thank  
13 the chair of Transportation, Senator  
14 Fuschillo, for your continued focus on  
15 transportation across New York State.

16 Mr. Madison, congratulations on  
17 your appointment. Thank you. And  
18 congratulations to the Governor for putting  
19 forth such a tremendous nomination.

20 Just to reiterate what we  
21 discussed earlier in the Transportation  
22 Committee upon the nomination, Western  
23 New York unfortunately, over the years from  
24 2005 to 2011 with the capital projects plan,  
25 lost out on about \$200 million in funding



1 that had been planned for for Western  
2 New York while other parts of the state  
3 received an increase in funding.

4 We discussed it; I'm confident  
5 with your leadership we can rectify the  
6 wrongs of the past and, with the leadership  
7 of Governor Cuomo, who has demonstrated a  
8 continued focus on the revitalization and job  
9 creation in Western New York, we are going to  
10 solve those issues together.

11 Congratulations on your  
12 appointment. Thank you.

13 ACTING PRESIDENT GRIFFO:  
14 Senator Ranzenhofer.

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

17 I also rise in support of the  
18 Governor's nomination of Tom Madison. We had  
19 an interesting and very productive  
20 conversation today in Corporations and  
21 Authorities.

22 And I'm also very proud of the  
23 fact that we have another private-sector  
24 individual who's leaving the private sector  
25 to come back to government. He has a wealth



1 of private-sector experience, a wealth of  
2 government experience, and, as Senator  
3 Kennedy alluded to, the fact that he is  
4 willing to work for regional balance all  
5 across the state.

6 We have a very large Thruway  
7 system, very important. Especially for those  
8 of us from Western New York who drive that  
9 285-to-300-mile stretch week in and week out,  
10 we know how important it is to keep that road  
11 safe and well-maintained.

12 So again, I want to congratulate  
13 the Governor. And, Mr. Madison, I want to  
14 congratulate you on your nomination and look  
15 forward to working with you very closely over  
16 these next coming years. So congratulations.

17 ACTING PRESIDENT GRIFFO:  
18 Senator Farley.

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

21 I also rise to applaud the  
22 Governor on his selection. Having seen a lot  
23 of commissioners and public servants in my  
24 36 years here, Tom Madison in my judgment was  
25 one of the finest transportation



1 commissioners we ever had.

2 And it's an example of the  
3 Governor reaching and recognizing somebody  
4 that can really do a job for, in my judgment,  
5 the crown jewel of interstate highways, our  
6 Thruway Authority.

7 And I'll tell you, we've got the  
8 man that can get the job done. Tom, we're  
9 proud of you. Thank you for your service.

10 ACTING PRESIDENT GRIFFO:  
11 Senator Carlucci.

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

14 I rise to support Governor  
15 Cuomo's nomination. And I want to thank  
16 Mr. Madison for stepping up for a job that we  
17 all know is not the easiest job and something  
18 that's going to be extremely important for  
19 New Yorkers today and for generations to  
20 come.

21 And I look forward to working  
22 with you, as do all the residents of the  
23 Hudson Valley, to make sure that we have a  
24 new Tappan Zee Bridge that we can all be  
25 proud of for generations to come.



1                   So I want to thank you for your  
2                   commitment to New York State and wish you the  
3                   best of luck on your job ahead. Thank you.

4                   And, Mr. President, I will vote  
5                   yes.

6                   ACTING PRESIDENT GRIFFO:    Is  
7                   there any other Senator that wishes to be  
8                   heard?

9                   I also want to extend my  
10                  congratulations and best wishes to a talented  
11                  and skilled leader.

12                  And I will call on Senator  
13                  Larkin to offer his comments.

14                  SENATOR LARKIN:    Joe, I have an  
15                  optometrist in my district; I'll have him  
16                  come see you tomorrow. Nobody got it.

17                  You know, it's an honor to stand  
18                  here today and support the nomination of Tom  
19                  Madison.

20                  You know, the biggest thing for  
21                  Tom Madison coming in here is we're not going  
22                  to have to set up a training tool and a  
23                  training room for him and to tell him that  
24                  this is where the bathroom is. He knows  
25                  where everything is. He knows the



1 districts. He knows everything about this.  
2 He is a transportation expert.

3 But you know, everyone in this  
4 room knows I'm totally dedicated to the  
5 service academies. And he disappointed me  
6 only once in his lifetime. In 1984, Al  
7 D'Amato nominated him to go to the United  
8 States Naval Academy or West Point. And he  
9 said, "I'm going someplace else." Could you  
10 imagine what a great naval officer he would  
11 have been?

12 Tom, you've got the skills. You  
13 have the energy. We're with you. Thank you  
14 for taking this job.

15 ACTING PRESIDENT GRIFFO:  
16 Senator DeFrancisco to close.

17 SENATOR DEFRANCISCO: Yes, I  
18 think if I was trying to fill a position for  
19 the head of the Thruway Authority I'd  
20 probably want somebody who had been a federal  
21 highway administrator so he knew the  
22 interaction between the federal government  
23 and the state government. Maybe I'd even add  
24 possibly a commissioner of transportation for  
25 the State of New York. But this man is



1       eminently qualified for this position.

2                       And, secondly, we should commend  
3       the Governor in that these appointments are  
4       in a nonpartisan way. We're not looking just  
5       to appointments of individuals of one party,  
6       but the best-qualified people.

7                       But most of all, I probably  
8       would not have looked for the qualification  
9       of having been a staff member on Tom Libous's  
10      office. But I'm sure --

11                      (Laughter.)

12                      SENATOR DEFRANCISCO:     But I'm  
13      sure that he started you off in the right  
14      direction, and you've gone with it ever  
15      since.

16                      So I am very happy to vote aye  
17      on this nomination.

18                      ACTING PRESIDENT GRIFFO:     The  
19      question is on the nomination of Thomas J.  
20      Madison as the executive director of the  
21      New York State Thruway Authority. All in  
22      favor signify by saying aye.

23                      (Response of "Aye.")

24                      ACTING PRESIDENT GRIFFO:  
25      Opposed?



1 (No response.)

2 ACTING PRESIDENT GRIFFO: Tom  
3 today is joined by his wife, Tracy, as well  
4 as his parents, Pat and Tom Madison, his son  
5 Brooks and daughter Morgan.

6 The confirmation is approved of  
7 Thomas J. Madison as executive director of  
8 the New York State Thruway Authority.

9 Congratulations.

10 (Applause.)

11 ACTING PRESIDENT GRIFFO: The  
12 Secretary will read.

13 THE SECRETARY: As president  
14 and CEO of the New York State Power  
15 Authority, Gil C. Quiniones of New York City.

16 ACTING PRESIDENT GRIFFO:  
17 Senator DeFrancisco.

18 SENATOR DEFRANCISCO: I move  
19 the nomination and request that you recognize  
20 Senator Maziarz for the second.

21 ACTING PRESIDENT GRIFFO:  
22 Senator Maziarz.

23 SENATOR MAZIARZ: Thank you  
24 very much, Mr. Chairman, Senator DeFrancisco.

25 Mr. Chairman, I rise to second



1 this nomination of Gil Quiniones. This is an  
2 excellent appointment by Governor Cuomo to a  
3 very, very difficult job.

4 Energy resources today are taxed  
5 to the limit in New York State. In his State  
6 of the State message, Governor Cuomo called  
7 for an energy highway improving, vastly  
8 improving the transmission system that we  
9 have in the State of New York. And the  
10 New York Power Authority is going to play a  
11 very key role and important role in that  
12 energy highway.

13 And no one, I think, could be  
14 better at the helm of that than Gil  
15 Quiniones. Mr. Quiniones has had a great  
16 history, educational background in  
17 engineering, in energy policy. He's worked  
18 in the private sector for Con Edison. He's  
19 worked in a very difficult job in the City of  
20 New York on energy issues for Mayor  
21 Bloomberg. The Governor made an excellent  
22 choice.

23 I know that Mr. Quiniones  
24 realizes very well, as do my colleagues --  
25 Mr. President, yourself, Senator Ritchie and



1 myself and other representatives from Western  
2 New York that have the large hydro plants  
3 located in their district -- he understands  
4 the reality that those hydro plants can be a  
5 key component to turning around the economies  
6 of both the Niagara region and the  
7 St. Lawrence region.

8                   So, Mr. President, I heartily  
9 endorse this nominee and am proud to second  
10 his nomination and wish you, your wife -- I  
11 know your family that's here today -- wish  
12 you well. I think you're going to do an  
13 excellent job.

14                   Thank you, Mr. President.

15                   ACTING PRESIDENT GRIFFO:  
16 Senator Smith.

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

19                   And congratulations to our  
20 chairman, Senator Maziarz, for shepherding  
21 this appointment through. Congratulations to  
22 our Governor.

23                   As I think many know, you know,  
24 the Power Authority is the nation's largest  
25 state-owned electric utility. It operates



1 over 17 power plants. Mr. Quiniones was on  
2 the board of directors of the Electric Power  
3 Research Institute, which is an international  
4 organization, and he was one of the  
5 architects of Plan NYC 2030. And that  
6 requires a great deal of vision and  
7 fortitude.

8               New York State, as this country,  
9 is at the crossroads when it comes to  
10 energy. We have to get smarter, we have to  
11 get cleaner, whether it is wind power,  
12 whether it is solar power. But that's going  
13 to require someone who has the background not  
14 only from the private sector but also the  
15 public sector. And Mr. Quiniones was very  
16 involved in economic development with the  
17 City of New York, worked for the mayor, was  
18 involved in Con Edison, has a well-rounded  
19 background. Has been acting now as the Power  
20 Authority's CEO.

21               And so I wanted to stand on this  
22 floor today just to congratulate the  
23 Governor, congratulate him, let him know that  
24 we stand here supportive of you. Know that  
25 the district that I represent has a lot of



1 wind and water out in the Rockaways. So if  
2 that day comes, we'll be glad to be  
3 supportive of a power that runs through wind.

4 So thank you very much,  
5 Mr. President. And again, Mr. Quiniones,  
6 thank you for being able and willing to take  
7 on this great responsibility.

8 ACTING PRESIDENT GRIFFO:  
9 Senator Grisanti.

10 SENATOR GRISANTI: Thank you,  
11 Mr. President. I too rise in support of Gil  
12 Quiniones.

13 We had the opportunity of having  
14 a conversation last week, and that  
15 conversation was very worthwhile in the sense  
16 of not only talking about the energy highway,  
17 as Senator Maziarz talked about, but also  
18 issues that have been hanging around the sale  
19 of unused power in the Western New York  
20 region to help maintain the ability for  
21 monies to be available.

22 We also talked about how  
23 instrumental NYPA is going to be on projects  
24 in Western New York and with regards to job  
25 creation and what the Governor talked about



1 in the State of the State.

2 And just echoing what Senator  
3 Maziarz had stated, it's a great choice by  
4 the Governor, and your education and your  
5 experience is second to none. And I vote yes  
6 on the nomination. And good luck to you and  
7 your family.

8 ACTING PRESIDENT GRIFFO:  
9 Senator Duane.

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

12 I'd like to compliment the  
13 Governor once again for his appointments,  
14 especially the ones coming before us today.

15 And I just want to briefly  
16 mention that I worked with Agnes Gund, who I  
17 know we did earlier on. I had MoMA in my  
18 district; she did a wonderful job. And the  
19 other two people prior to the one that I'm  
20 about to speak about also show the very best  
21 of how going from public to private to public  
22 to private-sector work can really help our  
23 government be a better place.

24 And I want to particularly talk  
25 about Gil Quiniones, who just has an



1 outstanding resume, who clearly knows his  
2 stuff. I don't know how else or how better  
3 to say it. And I have a tremendous amount of  
4 confidence in his ability to do this very  
5 important position.

6 And I also strongly believe that  
7 once again he will help us to show that we  
8 are one state -- not upstate and downstate,  
9 but just one state together, the Empire  
10 State. And there's no one better to lead us  
11 into that future of clean sustainable energy  
12 that's going to make our state a place for  
13 economic development and a greater future for  
14 our families.

15 Thank you, Mr. President.

16 ACTING PRESIDENT GRIFFO: Thank  
17 you, Senator Duane.

18 Senator Kennedy.

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

21 Mr. Quiniones, congratulations  
22 on your nomination.

23 To the Governor, once again  
24 thank you and congratulations on putting  
25 forth such a qualified individual with deep,



1 deep roots in New York State and with such a  
2 strong focus on economic development.

3 I want to thank the chair of the  
4 Senate Energy Committee, Senator Maziarz, for  
5 working with the rest of the committee on  
6 this nomination. Obviously the focus that we  
7 all have in Western New York and across  
8 New York State, but in particular where the  
9 largest hydropower plant is located in  
10 Western New York, is job creation and  
11 economic development.

12 After meeting with Mr. Quiniones  
13 last week for quite some time, focusing on  
14 the Governor's vision for Western New York  
15 and all of New York State, I am  
16 extraordinarily confident that you're the  
17 right man for the job. I look forward to  
18 working with you on a daily basis to  
19 implement that vision.

20 Congratulations.

21 ACTING PRESIDENT GRIFFO:  
22 Senator Krueger.

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

25 I also rise on behalf of this



1 nominee. I also would like to thank the  
2 Governor for this nomination.

3           And having interviewed  
4 Mr. Quiniones several times during this  
5 nomination process, I am very, very confident  
6 that he is fully prepared and well-educated  
7 about the complexities of New York State  
8 needing to move rapidly into the 21st century  
9 with a modern energy grid throughout the  
10 state, with improved opportunities for  
11 sustainable energy, and for a greater  
12 understanding that we are one state.

13           Different regions play different  
14 roles, but particularly when it comes to  
15 ensuring that there is available energy, a  
16 number of different sources of energy, and  
17 distribution that makes sense for the best  
18 interests of all 19 million New Yorkers.

19           I know that the Power Authority  
20 has its hands full. But, you know, we're  
21 behind some other states. And when we talk  
22 about needing to be competitive for economic  
23 development and for our future, it means  
24 New York State really needs to jump-start  
25 where we are with power and where we're going



1 to go.

2 So I look forward to working  
3 with the new commissioner of NYPA to  
4 accomplish those goals.

5 Thank you, Mr. President.

6 ACTING PRESIDENT GRIFFO: Thank  
7 you, Senator Krueger.

8 Is there any other Senator  
9 wishing to be heard?

10 Senator Ritchie.

11 SENATOR RITCHIE: Mr.  
12 President, I rise in support of the  
13 nomination of Gil Quiniones as the NYPA CEO.

14 Gil has an impressive background  
15 and has served NYPA well during his tenure.  
16 I have had the pleasure to meet with him on  
17 several occasions and have come away  
18 impressed with his knowledge of the issues  
19 and the understanding of the state's energy  
20 needs. He understands the importance of the  
21 long history of NYPA and the North Country  
22 and the need to protect hydroelectric assets  
23 in both Northern and Western New York.

24 I am pleased to support your  
25 nomination.



1                   ACTING PRESIDENT GRIFFO:    Is  
2   there any other Senator that wishes to be  
3   heard?

4                   Before I call on Senator  
5   DeFrancisco, I would just like to extend my  
6   sincere appreciation and best wishes to a  
7   very skilled and motivated individual who I  
8   know will enjoy a successful tenure at the  
9   Power Authority.

10                  Senator DeFrancisco to close.

11                  SENATOR DEFRANCISCO:    At the  
12   risk of sounding like a broken record, it's  
13   another great nomination by the Governor.

14                  I didn't know this nominee until  
15   a few weeks ago when we met in my office, and  
16   I've run into him about 12 times since.

17                  But I think that what I  
18   experienced when I first met him is not only  
19   a confirmation of what great credentials he  
20   has, but also the fire in his belly to take  
21   on this responsibility and get the job done  
22   and get it done in a very, very professional  
23   way.

24                  So I want to congratulate him  
25   and the Governor on another fine



1 appointment. And I know that this nominee  
2 has very good judgment because he married  
3 someone from Central New York.

4 I vote aye.

5 ACTING PRESIDENT GRIFFO: Thank  
6 you, Senator DeFrancisco.

7 The question is on the  
8 nomination of Gil C. Quiniones as president  
9 and CEO of the New York Power Authority. All  
10 in favor signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT GRIFFO:

13 Opposed?

14 (No response.)

15 ACTING PRESIDENT GRIFFO:

16 Joining Gil today is his wife, Paula, and  
17 their daughter, Sela.

18 The confirmation of Gil C.  
19 Quiniones is hereby confirmed.

20 (Applause.)

21 ACTING PRESIDENT GRIFFO: We'll  
22 return to the order of business.

23 Reports of select committees.

24 Communications and reports from  
25 state officers.



1                   Motions and resolutions.

2                   Senator Libous.

3                   SENATOR LIBOUS:    Thank you,  
4   Mr. President.  I have a number of  
5   housekeeping items here.

6                   I move that the following bills  
7   be discharged from their respective  
8   committees and be recommitted with  
9   instructions to strike the enacting clause.  
10   On behalf of Senator Griffo:  Senate 1203,  
11   1204, 2489, 3750, 3752, 3754, 3656, 3900A,  
12   5181.

13                  ACTING PRESIDENT GRIFFO:    So  
14   ordered.

15                  SENATOR LIBOUS:    If we would do  
16   the same, please, and move to discharge the  
17   following bills from their respective  
18   committees with instructions to strike the  
19   enacting clause.  On behalf of Senator  
20   Gallivan:  Senate 4243A, 4829.

21                  On behalf of Senator Young:  
22   4362.

23                  On behalf of Senator  
24   DeFrancisco:  2857B, 2858, 3491, 4730, 5185,  
25   5440.



1                   And also, on behalf of Senator  
2 O'Mara: Senate 3925 and 4743, Mr. President.

3                   ACTING PRESIDENT GRIFFO:  
4 Received and so ordered.

5                   Senator Breslin.

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

8                   On behalf of Senator Gianaris, I  
9 move that the following bill be discharged  
10 from its respective committee and be  
11 recommitted with instructions to strike the  
12 enacting clause: Senate Bill Number 2535.

13                  ACTING PRESIDENT GRIFFO: So  
14 ordered.

15                  May I have some order, please,  
16 in the chamber.

17                  SENATOR BRESLIN: On behalf of  
18 Senator Addabbo, I move that the following  
19 bill be discharged from its respective  
20 committee and be recommitted with  
21 instructions to strike the enacting clause:  
22 Senate Bill Number 1261.

23                  ACTING PRESIDENT GRIFFO: So  
24 ordered.

25                  SENATOR BRESLIN: And finally,



1 on behalf of Senator Smith, I move that the  
2 following bill be discharged from its  
3 respective committee and be recommitted with  
4 instructions to strike the enacting clause:  
5 Senate Bill Number 5809.

6 ACTING PRESIDENT GRIFFO: So  
7 ordered.

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

10 ACTING PRESIDENT GRIFFO: On  
11 motions and resolutions, Senator Libous.

12 SENATOR LIBOUS: Mr. President,  
13 I believe there's a privileged resolution at  
14 the desk by Senator Seward. At this time may  
15 we please have it read in its entirety and  
16 then move for its adoption.

17 ACTING PRESIDENT GRIFFO: The  
18 Secretary will read.

19 THE SECRETARY: Legislative  
20 resolution by Senators Seward, Flanagan,  
21 LaValle, Johnson and Zeldin, commending the  
22 Colonel Francis S. Gabreski Cadet Squadron  
23 from the Long Island Group of the Civil Air  
24 Patrol Color Guard upon the occasion of  
25 presenting the colors at the start of the



1 session of the New York State Senate,  
2 January 9, 2012.

3 "WHEREAS, It is the sense of  
4 this Legislative Body to recognize that the  
5 quality and character of life in the  
6 communities across New York State are  
7 reflective of the concerned and dedicated  
8 efforts of those organizations and  
9 individuals who are devoted to the welfare of  
10 the community and its citizenry; and

11 "WHEREAS, Attendant to such  
12 concern, and in full accord with its  
13 long-standing traditions, this Legislative  
14 Body is justly proud to commend the Colonel  
15 Francis S. Gabreski Cadet Squadron from the  
16 Long Island Group of the Civil Air Patrol  
17 Color Guard upon the occasion of presenting  
18 the colors at the start of the session of the  
19 New York State Senate, to be held on Monday,  
20 January 9, 2012, at the New York State  
21 Capitol in Albany, New York; and

22 "WHEREAS, The Civil Air Patrol  
23 enjoys a proud legacy of selfless sacrifice  
24 and service to country and community that  
25 spans decades. The organization was born one



1 week prior to the Japanese attack on Pearl  
2 Harbor; and

3 "WHEREAS, Thousands of volunteer  
4 members of the Civil Air Patrol answered  
5 America's call to national service and  
6 sacrifice by accepting and performing  
7 critical wartime missions; and

8 "WHEREAS, On July 1, 1946,  
9 President Harry S. Truman signed Public Law  
10 476 incorporating the Civil Air Patrol as a  
11 benevolent, nonprofit organization. On  
12 May 26, 1948, Congress passed Public Law 557  
13 permanently establishing the Civil Air Patrol  
14 as the auxiliary of the new United States Air  
15 Force; and

16 "WHEREAS, Three primary mission  
17 areas were set forth at the inception of the  
18 Civil Air Patrol: aerospace education, cadet  
19 programs, and emergency services; and

20 "WHEREAS, Today, the Civil Air  
21 Patrol handles 90 percent of inland search  
22 and rescue missions, with approximately 75  
23 lives saved each year. Its members are  
24 generally the first on the scene,  
25 transmitting satellite digital images of the



1 damage within seconds around the world, and  
2 providing disaster relief and emergency  
3 services following natural and manmade  
4 disasters, including such phenomena as 9/11,  
5 Hurricane Katrina, Texas and Oklahoma  
6 wildfires, tornadoes in the south and central  
7 United States, North Dakota flash flooding,  
8 and the October 2006 earthquake in Hawaii, as  
9 well as humanitarian missions along the  
10 United States and Mexican border; and

11 "WHEREAS, In addition, Civil Air  
12 Patrol members are dedicated to counterdrug  
13 reconnaissance and to teaching a new  
14 generation about aerospace and its impact on  
15 our future. Its cadet programs ensure our  
16 youth receive the finest leadership training  
17 the nation has to offer; and

18 "WHEREAS, The members of the  
19 Colonel Francis S. Gabreski Cadet Squadron  
20 from the Long Island Group of the Civil Air  
21 Patrol Color Guard include Dennis Woytowitz  
22 of Selden, Debbie Woytowitz of Selden,  
23 Theresa Nelson of Manorville, Lauren Lindgren  
24 of Farmingville, Aysha Ozyilmaz of Patchogue,  
25 Ambar Durago of Bay Shore, Paul Dowty of



1 Port Jefferson Station, Thor Hawrey of Miller  
2 Place, Megan Hawrey of Miller Place, Ed  
3 Nelson of Manorville, Peter Tsakonas of Port  
4 Jefferson Station, Alex Woytowitz of Selden,  
5 Leif Lindgren of Farmingville, and Julie  
6 Hawrey of Miller Place; and

7 "WHEREAS, The Civil Air Patrol  
8 makes a huge impact each and every day, going  
9 above and beyond to make a profound  
10 difference in America's communities; and

11 "WHEREAS, This occasion presents  
12 a unique opportunity for this Legislative  
13 Body to recognize and pay tribute to the  
14 members of the Colonel Francis S. Gabreski  
15 Cadet Squadron from the Long Island Group of  
16 the Civil Air Patrol Color Guard; and

17 "WHEREAS, It is the sense of  
18 this Legislative Body that when organizations  
19 of such noble aims and accomplishments are  
20 brought to our attention, they should be  
21 recognized by all the citizens of this great  
22 Empire State; now, therefore, be it

23 "RESOLVED, That this Legislative  
24 Body pause in its deliberations to commend  
25 the Colonel Francis S. Gabreski Cadet



1 Squadron from the Long Island Group of the  
2 Civil Air Patrol Color Guard and its members  
3 upon the occasion of presenting the colors at  
4 the start of the session of the New York  
5 State Senate; and be it further

6 "RESOLVED, That copies of this  
7 resolution, suitably engrossed, be  
8 transmitted to Colonel Jack Ozer, New York  
9 Wing, Civil Air Patrol, and the  
10 aforementioned members of the Colonel Francis  
11 S. Gabreski Cadet Squadron from the Long  
12 Island Group of the Civil Air Patrol Color  
13 Guard."

14 ACTING PRESIDENT GRIFFO:  
15 Senator Seward.

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

18 Having Civil Air Patrol cadets  
19 present the colors at the beginning of our  
20 Senate session early in the session each year  
21 has emerged as a very meaningful tradition  
22 for us here in the New York State Senate.

23 And today it's an honor and  
24 privilege to have the Colonel Francis S.  
25 Gabreski Cadet Squadron from the Long Island



1 Group of the New York Wing of the Civil Air  
2 Patrol Color Guard. This team represented  
3 New York last year in the 2011 Regional Color  
4 Guard competition.

5           You know, as many of us think of  
6 the Civil Air Patrol, which is a volunteer,  
7 nonprofit auxiliary of the United States Air  
8 Force, we mainly think of the Civil Air  
9 Patrol in terms of performing emergency  
10 services for the people of the State of  
11 New York, including forest fire protection,  
12 disaster relief service, guaranteed  
13 communications, and of course aircraft  
14 emergency assistance.

15           But in addition to all of these  
16 very essential emergency services, the Civil  
17 Air Patrol also encourages activities to help  
18 develop young people into responsible  
19 citizens, which is primarily done through the  
20 very phenomenal cadet program.

21           Now, this Color Guard team which  
22 we are honoring today is comprised of some of  
23 the very best and the brightest  
24 exceptional young adults in the Civil Air  
25 Patrol's cadet program. The cadet program,



1     which is designed for youth between the ages  
2     of 12 and 18, aims to develop some very  
3     essential life skills. It also instills  
4     values including teamwork, personal  
5     integrity, leadership, respect and  
6     self-confidence, just to name a few.

7                 So we're very, very honored to  
8     have this team with us here today.

9                 And I would like to introduce  
10    and acknowledge the presence of some of the  
11    top brass of the Civil Air Patrol here in  
12    New York State, starting with Colonel Jack  
13    Ozer, who's wing commander of the Civil Air  
14    Patrol, who's also representing Colonel Chris  
15    Hayden, the northeast regional commander.  
16    Thank you, Colonel, for being here with us.

17                Lieutenant Colonel Thomas  
18    Carello, who's vice commander of the New York  
19    Wing.

20                And right from my district,  
21    Lieutenant Colonel Andrew Little, who's the  
22    regional government relations for the Civil  
23    Air Patrol -- Andy has been a long-time  
24    involvement with the Civil Air Patrol and has  
25    gotten me involved as well in their



1 activities -- as well as two of Lieutenant  
2 Colonel Little's colleagues, Lieutenant  
3 Colonels Larry Brinker and Gerald Marketos.

4 Thank you all for being here.

5 (Applause.)

6 SENATOR SEWARD: Mr. President,  
7 I'm sure that some of our colleagues from  
8 Long Island would wish to make some comments  
9 on this outstanding team from Long Island.

10 But I simply rise in support of  
11 this resolution on behalf of this outstanding  
12 organization.

13 ACTING PRESIDENT GRIFFO: Thank  
14 you, Senator Seward.

15 Senator Flanagan.

16 SENATOR FLANAGAN: Thank you,  
17 Mr. President. I'll be brief; Senator Seward  
18 hit on all the high points.

19 And I see our new leaders and  
20 our future leaders and our young leaders here  
21 today in this program. I am flush with  
22 constituents today. Seven of the members who  
23 are visiting today are from the 2nd Senate  
24 District: The Woytowitz family, Dennis,  
25 Debbie, and Alex; the Lindgren family, Lauren



1 and Leif; Paul Dowdy; and of course Jack  
2 Ozer, who is the wing commander for the  
3 Guard.

4 So it's a pleasure to have them  
5 all here. Hope you enjoy your visit. And  
6 you will continue to do us proud.

7 Congratulations.

8 ACTING PRESIDENT GRIFFO: Thank  
9 you, Senator Flanagan.

10 Senator LaValle.

11 SENATOR LaVALLE: Thank you.

12 I just want to add that the  
13 Colonel Francis S. Gabreski Squadron is in a  
14 great place, because right next to the area  
15 is the famous 106th Air National Guard.

16 This cadet program really helps  
17 develop essential life skills, instills  
18 values including teamwork, personal  
19 integrity, and leadership.

20 And from my area, we have  
21 Theresa Nelson, Thor Hawrey, Megan Hawrey,  
22 and Peter Tsakonas.

23 So we thank you for being with  
24 us and providing the Color Guard so that we  
25 could say our Pledge of Allegiance today.



1                   ACTING PRESIDENT GRIFFO:

2       Senator Zeldin.

3                   SENATOR ZELDIN:     Mr. President,  
4       I'm glad to rise in support of this  
5       resolution. I'm proud to say I'm a  
6       third-generation member of the Civil Air  
7       Patrol.

8                   And I just rise to acknowledge  
9       Aysha Ozyilmaz from Patchogue, who resides in  
10      my Senate district, and Ambar Durago from Bay  
11      Shore, who resides in Senator Johnson's  
12      district. Thank you for coming and for what  
13      you do.

14                  ACTING PRESIDENT GRIFFO:     Is  
15      there any other Senator wishing to be heard?

16                  Senator Johnson.

17                  SENATOR JOHNSON:     Yes, I'm  
18      probably the only member of the Legislature  
19      who was a member of the Civil Air Patrol in  
20      until 1943.

21                  (Laughter.)

22                  SENATOR JOHNSON:     And I was 13  
23      years old or 14 years old, and I went to  
24      meetings in a town about 20 miles away. We  
25      had to take a train to Patchogue, go to



1 meetings every week for a while.

2 And I learned a lot. And all  
3 the good qualities that they say people get  
4 there, I have them all.

5 (Laughter.)

6 SENATOR JOHNSON: But anyhow,  
7 it was really good. And it got me a little  
8 taste of the military. And a couple of years  
9 later I became 17 and I joined the Marines,  
10 so I did my part there. I should have gone  
11 into the Air Force, but I think I lost  
12 contact in the intervening few years  
13 between.

14 But in any event, it's great to  
15 have a little taste of military discipline  
16 and integrity. And the things they teach you  
17 are things that are really important in  
18 everybody's life. And you are very fortunate  
19 to get this education and familiarization  
20 with the military and rules of procedure at  
21 this stage of your life. I'm sure it will  
22 help you in the future.

23 And congratulations to you all.

24 Thank you.

25 ACTING PRESIDENT GRIFFO: Thank



1     you, Senator Johnson.

2                     Senator Hassell-Thompson.

3                     SENATOR HASSELL-THOMPSON:

4     Thank you, Mr. President.

5                     I just rise to add my  
6     congratulations to our future leadership and  
7     acknowledge -- I think I may have said this  
8     once in the time that I've been here -- that  
9     I began in Civil Air Patrol for three years.  
10    And so I'm very proud of the work that you  
11    do.

12                    And Senator Perkins was asking  
13    me what did we do then. And I said, "Well,  
14    we had the responsibility for recognizing and  
15    knowing all planes that were flying, looking  
16    for all kinds of things." But of course you  
17    were looking for different enemies then than  
18    we are today.

19                    And so but whatever, you are a  
20    part of our future. And congratulations to  
21    you. And thank you for agreeing to become a  
22    part of our military eyes and ears at such a  
23    young age.

24                    Thank you, Mr. President.

25                    ACTING PRESIDENT GRIFFO:    Is



1       there any other Senator wishing to be heard?

2                   The question is on the  
3       resolution. All in favor signify by saying  
4       aye.

5                   (Response of "Aye.")

6                   ACTING PRESIDENT GRIFFO:

7       Opposed?

8                   (No response.)

9                   ACTING PRESIDENT GRIFFO:     The  
10      resolution is adopted.

11                   We thank you for your service  
12      and offer you warm greetings from the Senate.

13                   (Applause.)

14                   ACTING PRESIDENT GRIFFO:

15      Senator LaValle.

16                   SENATOR LaVALLE:

17      Mr. President, we're going to have a brief  
18      meeting of the Rules Committee in Room 332.

19                   And we're coming back to take up  
20      some of the bills. So everyone should be  
21      here to take up the Rules Committee report.

22                   ACTING PRESIDENT GRIFFO:     There  
23      will be an immediate brief meeting of the  
24      Rules Committee in Room 332 of the Capitol.

25                   The Senate will stand at ease.



1                   (Whereupon, the Senate stood at  
2 ease at 5:03 p.m.)

3                   (Whereupon, the Senate  
4 reconvened at 5:21 p.m.)

5                   ACTING PRESIDENT GRIFFO:    The  
6 Senate will come to order.

7                   Senator Libous.

8                   SENATOR LIBOUS:    Mr. President,  
9 I believe there's a report of the Rules  
10 Committee at the desk.  Could we have it  
11 read, please.

12                  ACTING PRESIDENT GRIFFO:    The  
13 Secretary will read.

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

17                         Senate Print 5917A, by Senator  
18 Skelos, an act to amend the State Finance  
19 Law;

20                         5921, by Senator Grisanti, an  
21 act to amend Part BB of Chapter 58 of the  
22 Laws of 2011;

23                         6039, by Senator Maziarz, an act  
24 to amend the Tax Law;

25                         6054A, by Senator Maziarz, an



1 act to amend the Insurance Law;

2 6055, by Senator Lanza, an act  
3 to amend the Insurance Law;

4 6107A, by Senator McDonald, an  
5 act to amend a chapter of the Laws of 2011;

6 6116, by Senator Saland, an act  
7 to amend the Family Court Act;

8 6117, by Senator Ranzenhofer, an  
9 act to amend the General Municipal Law;

10 6121, by Senator Saland, an act  
11 to amend Chapter 594 of the Laws of 2011;

12 6124, by Senator Savino, an act  
13 to amend the Banking Law;

14 6126, by Senator Skelos, an act  
15 to amend the Insurance Law;

16 6131, by Senator Seward, an act  
17 to amend the Insurance Law;

18 And 6136, by Senator LaValle, an  
19 act to amend the Public Service Law.

20 All bills ordered direct to  
21 third reading.

22 ACTING PRESIDENT GRIFFO:  
23 Senator Libous.

24 SENATOR LIBOUS: Mr. President,  
25 I move to accept the report of the Rules



1 Committee.

2 ACTING PRESIDENT GRIFFO: All  
3 in favor of accepting the report of the Rules  
4 Committee signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT GRIFFO:  
7 Opposed?

8 (No response.)

9 ACTING PRESIDENT GRIFFO: The  
10 report is accepted.

11 Senator Libous.

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

14 At this time we want to take up  
15 two bills today, 5917 and 5921.

16 ACTING PRESIDENT GRIFFO: The  
17 Secretary will read.

18 THE SECRETARY: In relation to  
19 Calendar Number 8, Senator Skelos moves to  
20 discharge, from the Committee on Rules,  
21 Assembly Bill Number 8668A and substitute it  
22 for the identical Senate Bill Number 5917A,  
23 Third Reading Calendar 8.

24 ACTING PRESIDENT GRIFFO:  
25 Substitution so ordered.



1                   The Secretary will read.

2                   THE SECRETARY:   Calendar Number  
3   8, by Member of the Assembly Silver, Assembly  
4   Print 8668A, an act to amend the State  
5   Finance Law.

6                   ACTING PRESIDENT GRIFFO:   Last  
7   section.

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

10                  ACTING PRESIDENT GRIFFO:   Call  
11   the roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT GRIFFO:  
14   Senator Skelos to explain his vote.

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

17                  I think all of us in the chamber  
18   know that our strongest ally in the Middle  
19   East is Israel. And certainly the ties  
20   between Israel and the United States, and  
21   really especially between Israel and the  
22   State of New York, are very strong.

23                  The leaders of Iran have made  
24   terrorist threats against Israel, and their  
25   rhetoric is full of hatred. Iran is pursuing



1 nuclear weapons that could be used against  
2 Israel, the United States, or any other  
3 friendly nation.

4           There are many ways to fight,  
5 but one way is by imposing economic  
6 sanctions. This legislation, the Iran  
7 Divestment Bill of 2012, takes swift action  
8 and sends a strong message to Iran that their  
9 words and actions will not be tolerated.

10           When I introduced this bill last  
11 fall, Speaker Silver and I agreed -- and I  
12 congratulate him on the sponsorship of this  
13 bill -- that we would move quickly to pass  
14 the legislation.

15           The bill is modeled after  
16 similar legislation in California and  
17 conceived with the help from the Jewish  
18 Community Relations Council of New York. It  
19 would prohibit companies that provide goods,  
20 services or credit worth \$20 million or more  
21 to Iran's energy industry from entering into  
22 or renewing state and local government  
23 contracts.

24           ACTING PRESIDENT GRIFFO: Thank  
25 you, Senator Skelos.



1                   Senator Skelos to be recorded in  
2 the affirmative.

3                   Is there any other member  
4 wishing to be heard?

5                   Senator Marcellino.

6                   SENATOR MARCELLINO:   Yes, to  
7 explain my vote.

8                   Mr. President, this is an  
9 important piece of legislation, maybe one of  
10 the most important pieces we'll be doing this  
11 cycle.

12                  We need to send a message to our  
13 enemies. The Iranians have been producing  
14 bombs that are killing or maiming American  
15 troops. They're moving towards a nuclear  
16 weapon. And the only reason why that nuclear  
17 weapon is to be developed is to be used.  
18 There is no doubt in my mind that any country  
19 that sends people over to blow themselves up  
20 would have absolutely no compunction about  
21 using a nuclear weapon to further their ends.

22                  We have an ally in the Middle  
23 East, Israel. It is our only real, truthful  
24 ally. We must support it. The best way to  
25 do it, this way, lacking war -- where nobody



1 wants to do that. But if we can do these  
2 things with economic sanctions, we can send  
3 the message as clearly and as effectively as  
4 we possibly can.

5 I commend Senator Skelos for  
6 bringing this bill to the floor as quickly as  
7 possible. I proudly vote aye on this very  
8 important piece of legislation.

9 ACTING PRESIDENT GRIFFO:  
10 Senator Marcellino to be recorded in the  
11 affirmative.

12 Senator Martins, to explain his  
13 vote.

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

16 I also rise in support of this  
17 bill. I want to congratulate Senator Skelos  
18 not only on proposing it but moving it  
19 forward so quickly.

20 We have an opportunity here as a  
21 state to determine where we are going to  
22 invest state monies. To the extent that  
23 they're used to help the enemies of the  
24 United States -- those who have, as Senator  
25 Marcellino said, have attacked our troops,



1 have supported terrorism around the world,  
2 have threatened allies of the United States  
3 and our allies in Israel -- I think it's  
4 important that we send this message.

5           It is a tool that is at our  
6 disposal, and certainly it's about time that  
7 we use those resources that we have available  
8 to us as a state to send a message that we  
9 will not tolerate those who will oppose our  
10 country and we will invest our monies as we  
11 see fit and do business with those companies  
12 that choose to do business with us and not  
13 support terrorist states like Iran.

14           I vote aye.

15           ACTING PRESIDENT GRIFFO:  
16 Senator Martins to be recorded in the  
17 affirmative.

18           Senator Carlucci to explain his  
19 vote.

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

22           I support this legislation  
23 because it's extremely important that we do  
24 everything possible to really put our money  
25 where our mouth is. And the extremist views



1     that we've seen from the Iranian regime, we  
2     have to do everything possible to make sure  
3     that we show that we are the strongest ally  
4     to Israel.

5                     And in New York we can really  
6     put our money where our mouth is, and this is  
7     a great step in doing it. It not only sends  
8     a message, but it really speaks with our  
9     wallets and says if you're going to invest in  
10    the Iranian energy industry, you're not going  
11    to receive contracts from New York.

12                    So I proudly support this  
13    legislation and want to thank my colleagues  
14    for doing the same.

15                    ACTING PRESIDENT GRIFFO:  
16    Senator Carlucci to be recorded in the  
17    affirmative.

18                    Announce the results.

19                    THE SECRETARY:    Ayes, 61.

20                    ACTING PRESIDENT GRIFFO:    The  
21    bill is passed.

22                    The Secretary will read.

23                    THE SECRETARY:    Calendar Number  
24    9, by Senator Grisanti, Senate Print 5921, an  
25    act to amend Part BB of Chapter 58 of the



1       Laws of 2011.

2                   ACTING PRESIDENT GRIFFO:     Last  
3       section.

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

6                   ACTING PRESIDENT GRIFFO:     Call  
7       the roll.

8                   (The Secretary called the roll.)

9                   ACTING PRESIDENT GRIFFO:  
10      Senator Grisanti to explain his vote.

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

13                   Briefly, my fellow colleagues,  
14      this legislation is very important because  
15      what it does is it eliminates the  
16      authorization that allows the director of  
17      budget to transfer any unencumbered balances  
18      from any fund contingent upon a matching  
19      requirement grant; specifically, federal  
20      funds to be swept.

21                   So this legislation applies to  
22      the Conservation Fund. It prohibits the  
23      sweeping of funds. It has a balance right  
24      now of about \$10 million. That's above and  
25      beyond the \$15 million that has to pay out to



1 programs that are statutorily authorized.

2 Right now we received word from  
3 the federal government that about \$20 million  
4 in funds was in jeopardy because this  
5 particular legislation, if not in place, that  
6 \$20 million would not come from the federal  
7 government because the state has an  
8 open-ended rule about possibly funds being  
9 swept.

10 So with this piece of  
11 legislation, I want to thank Senator  
12 Gallivan's office and his staff and Senator  
13 Ball's office and his staff for all the  
14 tremendous amount of work that they did,  
15 because it's a concern now that the  
16 Conservation Fund does not need to deal with  
17 any longer.

18 And I vote in the affirmative.  
19 Thank you very much, Mr. President.

20 ACTING PRESIDENT GRIFFO:  
21 Senator Grisanti in the affirmative.

22 Announce the results.

23 THE SECRETARY: Ayes, 61.

24 ACTING PRESIDENT GRIFFO: The  
25 bill is passed.



1           Senator Libous, that completes  
2 the noncontroversial reading of the calendar.

3           SENATOR LIBOUS:    Mr. President,  
4 could we at this time lay aside the remainder  
5 of the calendar.

6           ACTING PRESIDENT GRIFFO:    So  
7 ordered.

8           SENATOR LIBOUS:    And there  
9 being no further business today, I move that  
10 the Senate adjourn until Tuesday,  
11 January 10th, at 10:00 a.m.

12           ACTING PRESIDENT GRIFFO:    There  
13 being no further business, and on motion, the  
14 Senate stands adjourned until Tuesday,  
15 January 10th, at 10:00 a.m.

16           Senate adjourned.

17           (Whereupon, at 5:29 p.m., the  
18 Senate adjourned.)

19  
20  
21  
22  
23  
24  
25