NEW YORK STATE SENATE

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REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please rise.

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

(The Color Guard presented colors.)

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

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

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

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

(Whereupon, the assemblage

respected a moment of silence.)

ACTING PRESIDENT GRIFFO: The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

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

Reports of standing committees.

The Secretary will read.

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

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

New York City.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

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

ACTING PRESIDENT GRIFFO: The chair recognizes Senator Chuck Fuschillo.

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

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

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

The task of being the chairman

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

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

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

I vote yes.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Fuschillo.

Senator Smith.

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

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

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

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

ACTING PRESIDENT GRIFFO: Thank you.

Senator Squadron.

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

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

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

I enthusiastically vote aye.

ACTING PRESIDENT GRIFFO: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO:
Senator Perkins.
SENATOR PERKINS: Thank you very much.
I just want to add my congratulations and support to the nominee. I'd like to consider this the return of the Rat Czar, someone whom I've had a wonderful experience with as a member of the City Council when he was in city government. And of course that issue is still a concern of mine, and obviously it's a big concern within the transit system.
But I also know that he's been someone that has done a good job as a manager, is very appreciative of the need for transparency and accountability. And I'm confident that he will be accessible. What we really need are those who are representing the Governor to be accessible to us and to our communities so that they can get a firsthand understanding about what's actually going on with the system.
So I look forward to working with him and supporting him, and I want to

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

ACTING PRESIDENT GRIFFO: Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

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

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

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

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

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

Congratulations.

ACTING PRESIDENT GRIFFO: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

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

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

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

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

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

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

So thank you and congratulations, Mr. Lhota.

ACTING PRESIDENT GRIFFO: Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

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

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

team as they worked right through that to make sure that they brought back this great city, brought back its transportational system.

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

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

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

Senator Diaz.

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

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

allowing me to express myself --

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO:

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

SENATOR DIAZ: Thank you.

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

If not, I call on Senator DeFrancisco to close.

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

Authority is hereby confirmed.

(Applause.)

ACTING PRESIDENT GRIFFO: Mr. Lhota, we congratulate you and extend our best wishes.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: Senator Fuschillo.

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

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

The task and the challenges are

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

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

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

Thank you very much, and congratulations.

ACTING PRESIDENT GRIFFO:

Senator Libous.

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

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

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

ACTING PRESIDENT GRIFFO: Senator Nozzolio.

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Kennedy.

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

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

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

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

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

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

Congratulations on your appointment. Thank you.

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President.

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

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

commissioners we ever had.

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

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

ACTING PRESIDENT GRIFFO: Senator Carlucci.

SENATOR CARLUCCI: Thank you, Mr. President.

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

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

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

And, Mr. President, I will vote yes.

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to close.

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

eminently qualified for this position.

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

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

(Laughter.)

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

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

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

Congratulations.

(Applause.)

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: Senator Maziarz.

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

Mr. Chairman, I rise to second

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Smith.

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Grisanti.

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

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

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

in the State of the State.

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

ACTING PRESIDENT GRIFFO: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Duane.

Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

Mr. Quiniones, congratulations on your nomination.

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

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

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

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

Congratulations.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you, Mr. President.

I also rise on behalf of this

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

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

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

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

to go.

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Krueger.

Is there any other Senator wishing to be heard?

Senator Ritchie.

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

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

I am pleased to support your nomination.

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

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

Senator DeFrancisco to close.

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

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

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

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

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

I vote aye.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: Joining Gil today is his wife, Paula, and their daughter, Sela.

The confirmation of Gil C. Quiniones is hereby confirmed.

(Applause.)

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

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

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

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

ACTING PRESIDENT GRIFFO: So ordered.

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

On behalf of Senator Young: 4362.

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

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

ACTING PRESIDENT GRIFFO: Received and so ordered.

Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

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

ACTING PRESIDENT GRIFFO: So ordered.

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

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

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR BRESLIN: And finally,

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

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR BRESLIN: Thank you, Mr. President.

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

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

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

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

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

week prior to the Japanese attack on Pearl Harbor; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

Thank you all for being here.

(Applause.)

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

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

ACTING PRESIDENT GRIFFO: Thank you, Senator Seward.

Senator Flanagan.

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

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

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

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

Congratulations.

ACTING PRESIDENT GRIFFO: Thank you, Senator Flanagan.

Senator LaValle.

SENATOR LaVALLE: Thank you.

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

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

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

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

ACTING PRESIDENT GRIFFO:

Senator Zeldin.

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

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

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

Senator Johnson.

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

(Laughter.)

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

meetings every week for a while.

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

(Laughter.)

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

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

And congratulations to you all. Thank you.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Johnson.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON:

Thank you, Mr. President.

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Is

there any other Senator wishing to be heard?

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

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

(Applause.)

ACTING PRESIDENT GRIFFO: Senator LaValle.

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

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

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

The Senate will stand at ease.

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

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

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Libous.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

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

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

6054A, by Senator Maziarz, an

act to amend the Insurance Law;

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

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

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

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

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

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

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

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

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

All bills ordered direct to third reading.

ACTING PRESIDENT GRIFFO: Senator Libous.

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

Committee.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The report is accepted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Substitution so ordered.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Skelos to explain his vote.

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Thank you, Senator Skelos.

Senator Skelos to be recorded in the affirmative.

Is there any other member wishing to be heard?

Senator Marcellino.

SENATOR MARCELLINO: Yes, to explain my vote.

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

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

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

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

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

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

Senator Martins, to explain his vote.

SENATOR MARTINS: Thank you, Mr. President.

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

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

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

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

I vote aye.

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

Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

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

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

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

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

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

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will read.

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

Laws of 2011.

ACTING PRESIDENT GRIFFO: Last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Grisanti to explain his vote.

SENATOR GRISANTI: Thank you, Mr. President.

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

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

programs that are statutorily authorized.

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

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

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

ACTING PRESIDENT GRIFFO: Senator Grisanti in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

ACTING PRESIDENT GRIFFO: So ordered.

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

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

Senate adjourned.

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