

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 June 5, 2012

11 3:26 p.m.

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13
14 REGULAR SESSION

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18 SENATOR JOSEPH 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 rise
5 and join with me as we recite the Pledge of
6 Allegiance to our Flag.

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

9 ACTING PRESIDENT GRIFFO: In the
10 absence of clergy, I ask all to bow their
11 heads in a moment of silent reflection and
12 prayer.

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

15 ACTING PRESIDENT GRIFFO: The
16 reading of the Journal.

17 THE SECRETARY: In Senate,
18 Monday, June 4th, the Senate met pursuant to
19 adjournment. The Journal of Sunday, June 3rd,
20 was read and approved. On motion, Senate
21 adjourned.

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

25 Presentation of petitions.

1 Messages from the Assembly.

2 The Secretary will read.

3 THE SECRETARY: On page 22,
4 Senator Hassell-Thompson moves to discharge,
5 from the Committee on Education, Assembly Bill
6 Number 8924A and substitute it for the
7 identical Senate Bill Number 6457A, Third
8 Reading Calendar 503.

9 ACTING PRESIDENT GRIFFO: The
10 substitution is so ordered.

11 THE SECRETARY: On page 27,
12 Senator Robach moves to discharge, from the
13 Committee on Labor, Assembly Bill Number
14 9657 and substitute it for the identical
15 Senate Bill Number 6806, Third Reading
16 Calendar 636.

17 ACTING PRESIDENT GRIFFO: The
18 substitution is so ordered.

19 THE SECRETARY: On page 36,
20 Senator Bonacic moves to discharge, from the
21 Committee on Judiciary, Assembly Bill Number
22 8344A and substitute it for the identical
23 Senate Bill Number 6657, Third Reading
24 Calendar 789.

25 ACTING PRESIDENT GRIFFO: The

1 substitution is so ordered.

2 THE SECRETARY: And on page 42,
3 Senator Hannon moves to discharge, from the
4 Committee on Finance, Assembly Bill Number
5 10103 and substitute it for the identical
6 Senate Bill Number 7083, Third Reading
7 Calendar 892.

8 ACTING PRESIDENT GRIFFO: The
9 substitution is so ordered.

10 Messages from the Governor.

11 Reports of standing committees.

12 Reports of select committees.

13 Communications and reports of
14 state officers.

15 Motions and resolutions.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President,
18 would you first call on Senator Breslin for a
19 motion, please.

20 ACTING PRESIDENT GRIFFO:
21 Senator Breslin.

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

24 On behalf of Senator Breslin, on
25 page number 34 I offer the following

1 amendments to Calendar Number 758, Senate Print
2 Number 6849A, and ask that the bill retain its
3 place on the Third Reading Calendar.

4 ACTING PRESIDENT GRIFFO: The
5 amendments are received, and the bill shall
6 retain its place on third reading.

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

9 ACTING PRESIDENT GRIFFO: Thank
10 you, Senator Breslin.

11 Senator Libous.

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

14 On behalf of Senator Golden,
15 Mr. President, on page 45 I offer the following
16 amendments to Calendar Number 917, Senate Print
17 1749B, and ask that said bill retain its place on
18 the Third Reading Calendar.

19 ACTING PRESIDENT GRIFFO: The
20 amendments are received, and the bill shall
21 retain its place on third reading.

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

24 On behalf of Senator Gallivan, on
25 page 13 I offer the following amendments to

1 Calendar Number 238, Senate Print 6069A, and ask
2 that said bill retain its place on the Third
3 Reading Calendar.

4 ACTING PRESIDENT GRIFFO: The
5 amendments are also received, and the bill shall
6 retain its place on third reading.

7 SENATOR LIBOUS: On behalf of
8 Senator Marcellino, I wish to call up his bill,
9 Senate Print 6547, recalled from the Assembly,
10 which is now at the desk.

11 ACTING PRESIDENT GRIFFO: The
12 Secretary will read.

13 THE SECRETARY: Calendar Number
14 278, by Senator Marcellino, Senate Print 6547, an
15 act to amend the Alcoholic Beverage Control Law.

16 SENATOR LIBOUS: Mr. President, I
17 now move to reconsider the vote by which this
18 bill was passed.

19 ACTING PRESIDENT GRIFFO: Call the
20 roll on reconsideration.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 50.

23 SENATOR LIBOUS: Mr. President, I
24 offer up the following amendments.

25 ACTING PRESIDENT GRIFFO: The

1 amendments are received.

2 SENATOR LIBOUS: Mr. President, on
3 behalf of Senator Little, I wish to call up her
4 bill, Print 6719, recalled from the Assembly,
5 which is now at the desk.

6 ACTING PRESIDENT GRIFFO: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 622, by Senator Little, Senate Print 6719, an act
10 to amend the Parks, Recreation and Historic
11 Preservation Law.

12 SENATOR LIBOUS: Mr. President, I
13 now move to reconsider the vote by which this
14 bill was passed.

15 ACTING PRESIDENT GRIFFO: Call the
16 roll on reconsideration.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 50.

19 SENATOR LIBOUS: Mr. President, I
20 offer up the following amendments.

21 ACTING PRESIDENT GRIFFO: The
22 amendments are received.

23 Senator Libous.

24 SENATOR LIBOUS: Mr. President, at
25 this time there will be an immediate meeting of

1 the Rules Committee in Room 332, an immediate
2 meeting of the Rules Committee in Room 332. And
3 we will vote and then come immediately back to
4 session.

5 ACTING PRESIDENT GRIFFO: There is
6 an immediate meeting of the Rules Committee in
7 Room 332.

8 The Senate stands at ease.

9 (Whereupon, the Senate stood at ease
10 at 3:31 p.m.)

11 (Whereupon, the Senate reconvened at
12 3:44 p.m.)

13 ACTING PRESIDENT GRIFFO: The
14 Senate will come to order.

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President, if
17 we can return to reports of standing committees,
18 I believe there's a report of the Rules Committee
19 at the desk. I ask that it be read at this time.

20 ACTING PRESIDENT GRIFFO:
21 Returning to reports of standing committees, the
22 Secretary will read the report of the Rules
23 Committee.

24 THE SECRETARY: Senator Skelos,
25 from the Committee on Rules, reports the

1 following bill direct to third reading:

2 Senate Print 7447, by Senator
3 LaValle, an act to amend the Real Property Tax
4 Law.

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

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

10 (Response of "Aye.")

11 ACTING PRESIDENT GRIFFO: Those
12 opposed?

13 (No response.)

14 ACTING PRESIDENT GRIFFO: The
15 report is accepted.

16 Senator Libous.

17 SENATOR LIBOUS: Thank you,
18 Mr. President.

19 Mr. President, before I call a
20 Finance Committee meeting, I just want members to
21 know that while Finance is going on we will
22 commence with doing motions. There's a number of
23 members who have people here and want to make
24 some statements, so we'll continue with that part
25 of session.

1 But I will call an immediate
2 meetings of the Finance Committee right now in
3 Room 332. There will be an immediate meeting of
4 the Finance Committee in Room 332.

5 ACTING PRESIDENT GRIFFO: There is
6 an immediate meeting of the Finance Committee.
7 The Senate will remain in session and take up
8 resolutions.

9 Senator Libous.

10 SENATOR LIBOUS: Thank you,
11 Mr. President. Can we go to motions and
12 resolutions at this time.

13 ACTING PRESIDENT GRIFFO: We will
14 go to motions and resolutions, Senator Libous.

15 SENATOR LIBOUS: Mr. President, I
16 would like to adopt the Resolution Calendar at
17 this time, with the exception of Resolutions
18 4998, 5010, 5058, 5129, 5130 and 5140.

19 ACTING PRESIDENT GRIFFO: All in
20 favor of accepting and adopting the Resolution
21 Calendar, with the exception of Resolutions 4998,
22 5010, 5058, 5129, 5130 and 5140, signify by
23 saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT GRIFFO: Opposed,

1 nay.

2 (No response.)

3 ACTING PRESIDENT GRIFFO: The
4 Resolution Calendar is adopted.

5 Senator Libous.

6 SENATOR LIBOUS: Mr. President,
7 before we go on, I would just wait for staff and
8 members to file out of the chamber. We'll ask
9 the sergeant to close the doors as soon as
10 everybody is filed out. Okay, members are coming
11 in. Thank you very much, Sarge.

12 Okay, Mr. President, now that we've
13 got a little order in the chamber, I believe
14 there's a resolution at the desk by Senator
15 Golden, Resolution Number 5140. I ask that it be
16 read in its entirety and ask for its immediate
17 adoption. But I believe Senator Golden would
18 like to speak on the resolution, and possibly
19 Senator Peralta, but I don't -- yes, there he is.

20 Thank you.

21 ACTING PRESIDENT GRIFFO: I would
22 ask for some order in the chamber, please.

23 And the Secretary will read.

24 THE SECRETARY: Legislative
25 Resolution Number 5140, by Senator Golden,

1 congratulating Johan Santana of the New York Mets
2 upon the occasion of pitching the first no-hitter
3 in Mets history.

4 "WHEREAS, It is incumbent upon the
5 people of the State of New York to recognize
6 those individuals within our midst who have
7 contributed greatly to the quality of our lives
8 by a commitment to excellence; and

9 "WHEREAS, It is the sense of this
10 Legislative Body to pay tribute to outstanding
11 athletes who distinguish themselves through their
12 exceptional performance, attaining unprecedented
13 success and the highest level of personal
14 achievement; and

15 "WHEREAS, Excellence and success in
16 competitive sports at the professional level can
17 be achieved only through strenuous practice.
18 Johan Santana's dedication to athletics is a
19 year-round, everyday commitment. He is highly
20 focused and has developed a matchless work ethic;
21 and

22 "WHEREAS, On Friday, June 1, 2012,
23 Johan Santana of the New York Mets pitched the
24 first no-hitter in the Mets' 51-year history. It
25 was Santana's first career no-hitter; and

1 "WHEREAS, Johan Santana's
2 outstanding eight-strikeout, five-walk
3 performance in an 8-0, no-hit win over the
4 defending World Series champion St. Louis
5 Cardinals ended the Mets' wait for a no-hitter
6 after 8,019 games. Santana threw a career-high
7 134 pitches in his record-setting outing; and

8 "WHEREAS, The spectacular and
9 historic pitching gem by Johan Santana was
10 witnessed by 27,069 hometown fans at the Mets'
11 Citi Field in New York; and

12 "WHEREAS, Johan Santana's bid for
13 the historic no-hitter was preserved in the
14 seventh inning by Queens New Yorker Mike Baxter's
15 tremendous catch in left field of a Yadier Molina
16 line drive. Baxter crashed into the wall while
17 making the catch and had to leave the game with
18 an injury; and

19 "WHEREAS, Johan Santana has now
20 thrown consecutive shutouts for the New York
21 Mets. His no-hitter follows an outstanding 9-0
22 victory on May 26, 2012, against the San Diego
23 Padres; and

24 "WHEREAS, The two-time winner of
25 baseball's prestigious Cy Young award, Johan

1 Santana is in his 12th major league season. He
2 missed the entire 2011 season following surgery
3 on his pitching shoulder. When he pitched for
4 the Mets on opening day this year, it was his
5 first major league appearance since September 2,
6 2010; and

7 "WHEREAS, Johan Santana's
8 exemplary, record-setting and unprecedented
9 performance for the New York Mets is reflective
10 of his dedication, determination and personal
11 commitment. His achievements stand as a hallmark
12 of what is best in the families, schools, and
13 communities across New York State; and

14 "WHEREAS, Throughout the entire
15 period of his outstanding athletic career, Johan
16 Santana of the New York Mets has stood constant
17 in dignity, good grace and humor, and has earned
18 the respect and admiration of his managers,
19 coaches, teammates, opponents, fans, family and
20 friends; and

21 "WHEREAS, The auspicious occasion
22 of Johan Santana pitching the first no-hitter in
23 the history of the New York Mets presents a
24 unique opportunity for this Legislative Body to
25 recognize and pay tribute to Johan Santana and

1 his exceptional athletic prowess and
2 achievements; and

3 "WHEREAS, This Legislative Body is
4 moved to honor Johan Santana for his
5 extraordinary athletic accomplishments, which are
6 a tribute to his skill, dedication and
7 commitment; now, therefore, be it

8 "RESOLVED, That this Legislative
9 Body pause in its deliberations to congratulate
10 Johan Santana of the New York Mets upon the
11 occasion of pitching the first no-hitter in Mets
12 history; and be it further

13 "RESOLVED, That a copy of this
14 resolution, suitably engrossed, be transmitted to
15 Johan Santana of the New York Mets."

16 ACTING PRESIDENT GRIFFO: Senator
17 Golden.

18 SENATOR GOLDEN: Thank you,
19 Mr. President.

20 It is truly -- last Friday's
21 no-hitter, and of course having John Franco here
22 in our chambers actually topped off a great few
23 days here in the State of New York. Sports has
24 long had a special place in New Yorkers' hearts.
25 And as fans, we invest a lot into our teams.

1 A big reason I think we love our
2 sports is that they are ultimate reality TV.
3 Sports can often reflect our lives and important
4 values like teamwork and perseverance in a way
5 few other things can.

6 But what truly makes sports so
7 special are those rare, extraordinary moments
8 that come along every so often -- the moments
9 that make thousands of people cheer as one, the
10 moments that send chills of joy through our body
11 and bring tears to our eyes. These are the
12 moments we tell our kids and our grandkids about,
13 how we were there or watching when.

14 Now, as Mets fans, unfortunately,
15 these special moments haven't been as frequent as
16 I'd prefer. But this past Friday we saw
17 something that many believed may never come.
18 Starting pitcher Johan Santana threw the first
19 no-hitter in Mets history.

20 It was a long road full of ups and
21 downs to get here to this point. I think that
22 perseverance was a lesson Mets fans knew all too
23 well. Fifty years, 8019 games without a
24 no-hitter. All-time great Tom Seaver threw five
25 one-hitters over his 12-year career with the Mets

1 and three times making it to the ninth inning
2 before giving one up. Other greats, Nolan Ryan
3 and Dwight "Doc" Gooden, couldn't do it either.

4 Seven pitchers have thrown them
5 after leaving the Mets. The Mets and the
6 San Diego Padres are the only teams without one.
7 But now the Padres are on their own. Only the
8 11th start for Santana since major shoulder
9 surgery, and over 27,000 New Yorkers on their
10 feet in the stands, along with countless others
11 all around our country. Great fielding helped,
12 from players like Mike Baxter.

13 Eight strikeouts for Santana. As
14 any Met fan can attest to, it was a long, hard
15 path to get there. But Johan Santana's
16 performance Friday night was worth the wait.

17 It's a great achievement for the
18 ace pitcher, the team, the organization and the
19 fans. I'm pleased to recognize this great feat
20 with this resolution for what was truly an
21 amazing night and an amazing night in sports.

22 Thank you, Mr. President.

23 ACTING PRESIDENT GRIFFO: Thank
24 you, Senator Golden.

25 Senator Peralta.

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

3 In celebrating their
4 50th anniversary this season, the Mets have quite
5 frankly been simply amazing. With exactly a
6 third of the season complete, the Mets and their
7 fans woke up Monday morning to find themselves
8 eight games above 500 and tied for first.

9 While it's probably not a bet any
10 of us would have made back in spring training,
11 it's certainly a situation we would have signed
12 up for without hesitation before opening day.

13 Hopefully the magic will continue
14 and the team will achieve the kind of success
15 diehards have been hoping for for years. But
16 even if nothing else comes of this season, we
17 will always have Friday's magical performance by
18 Johan Santana to cherish.

19 The Mets have had great pitchers
20 who have thrown no-hitters during their storied
21 careers -- pitchers like Tom Seaver, Nolan Ryan,
22 Dwight Gooden, and David Cone, just to name a
23 few. But they just never threw any of these
24 no-hitters wearing a Mets uniform.

25 It was appropriate for this magical

1 baseball night to have occurred during the Mets'
2 50th anniversary season, and it was poetically
3 fitting for it to have been produced by the great
4 Johan Santana.

5 Now, I would have liked to
6 introduce a resolution myself recognizing Friday
7 night's historic performance for a team that
8 calls my district home. I put in a request first
9 thing Monday morning to do so. But apparently
10 Senator Golden has a Batphone for resolutions
11 that I don't have.

12 But seriously, folks, I want to
13 take the opportunity to thank the sponsor for
14 recognizing this amazing feat and introducing
15 this great resolution.

16 Thank you, Mr. President.

17 ACTING PRESIDENT GRIFFO: Thank
18 you, Senator Peralta.

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

21 (Response of "Aye.")

22 ACTING PRESIDENT GRIFFO: Opposed,
23 nay.

24 (No response.)

25 ACTING PRESIDENT GRIFFO: The

1 resolution is adopted.

2 Senator Libous.

3 SENATOR LIBOUS: If it would be
4 all right with Senator Peralta and
5 Senator Golden, could we open this resolution up
6 for those of us who are Met fans and maybe even
7 some Yankee fans and some Boston Red Sox fans and
8 whatever. If it would be all right with the
9 sponsors.

10 And if someone would not like to be
11 on the resolution, as --

12 (Inaudible comments; laughter.)

13 ACTING PRESIDENT GRIFFO: The
14 resolution is open for cosponsorship. If you
15 choose not to be a cosponsor, please signify by
16 notifying the desk.

17 SENATOR LIBOUS: Mr. President, I
18 think Senator Espaillat has a statement he --

19 (Laughter).

20 SENATOR LIBOUS: Anyway, we would
21 do that.

22 There's a resolution now presently
23 at the desk by Senator Ritchie, Resolution Number
24 4900. It was previously adopted, Mr. President,
25 by the house on the 31st of May. Could we please

1 have it read in its entirety and call on Senator
2 Ritchie.

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will read.

5 THE SECRETARY: Legislative
6 Resolution Number 4900, by Senator Ritchie,
7 congratulating the Phoenix High School Wrestling
8 Team upon the occasion of capturing the 2012
9 New York State Division II Championship.

10 "WHEREAS, Excellence and success in
11 competitive sports can be achieved only through
12 strenuous practice, team play and team spirit,
13 nurtured by dedicated coaching and strategic
14 planning; and

15 "WHEREAS, Athletic competition
16 enhances the moral and physical development of
17 the young people of this state, preparing them
18 for the future by instilling in them the value
19 of teamwork, encouraging a standard of healthy
20 living, imparting a desire for success, and
21 developing a sense of fair play and competition;
22 and

23 "WHEREAS, On February 25, 2012, the
24 Phoenix High School Wrestling Team captured the
25 New York State Division II Championship in

1 Albany, New York; and

2 "WHEREAS, In winning the
3 prestigious team title, the Phoenix Firebirds
4 revealed a spectacular team performance which
5 received the top score of 72.5 points and the
6 title of New York State Division II champions;
7 and

8 "WHEREAS, The athletic talent
9 displayed by the championship 2011-2012 Phoenix
10 High School Wrestling Team is due in great part
11 to the efforts of its coaches, skilled and
12 inspirational mentors, respected for their
13 ability to develop potential into excellence; and

14 "WHEREAS, The overall record of the
15 2011-2012 Phoenix High School Wrestling Team was
16 outstanding, and the team members were loyally
17 and enthusiastically supported by family, fans,
18 friends and the community at large; and

19 "WHEREAS, The hallmarks of the
20 2011-2012 Phoenix High School Wrestling Team
21 throughout the season were a brotherhood of
22 athletic ability, of good sportsmanship, of
23 honor and of scholarship, demonstrating that
24 these team players are second to none; and

25 "WHEREAS, Athletically and

1 academically, the team members have proven
2 themselves to be an unbeatable combination of
3 talents, reflecting favorably on their school and
4 community; and

5 "WHEREAS, Head Coach Gene Mills and
6 Assistant Coach Dave Devito have done a superb
7 job in guiding, molding and inspiring the
8 2011-2012 Phoenix High School Wrestling Team
9 members toward their goals; and

10 "WHEREAS, Sports competition
11 instills the values of teamwork, pride and
12 accomplishment. The team's coaches and
13 outstanding athletes have clearly made a
14 contribution to the spirit of excellence which is
15 a tradition of their school; now, therefore, be
16 it

17 "RESOLVED, That this Legislative
18 Body pause in its deliberations to congratulate
19 the 2011-2012 Phoenix High School Wrestling Team;
20 its members -- Brad Dietz, Nick Tighe, Rowdy
21 Prior, Tyler Button, Trever Ferens, William
22 Hilliard, Alex Fatcheric, Dom Lauricella, Ryan
23 Coe, Justin Rhodes and Austyn Hayes -- and
24 Coaches Gene Mills and Dave Devito on their
25 outstanding season and overall team record; and

1 be it further

2 "RESOLVED, That copies of this
3 resolution, suitably engrossed, be transmitted to
4 the 2011-2012 Phoenix High School Wrestling Team
5 and to the aforementioned coaches."

6 ACTING PRESIDENT GRIFFO: Senator
7 Ritchie.

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

10 It's my pleasure today to host the
11 Phoenix High School Wrestling Team here in the
12 chamber.

13 In February the Firebirds, as
14 they're more commonly known, captured the 2012
15 New York State Division II Championship. This
16 was no easy task. They put in a lot of hours, a
17 lot of time in the gym, very dedicated, spent a
18 lot of time as a team making sure that they were
19 successful this year.

20 They didn't do it alone; they had
21 their two coaches with them. Coach Mills and
22 Coach Devito, thank you for all you've done for
23 the team. Thank you for your guidance.

24 Not alone when they were out at
25 each one of the matches, they had a lot of

1 supporters from the community -- families,
2 friends, and fans.

3 So I'd just like my colleagues to
4 join in commending you on your outstanding season
5 and on capturing the state championship.

6 Thank you.

7 (Applause.)

8 ACTING PRESIDENT GRIFFO:

9 Congratulations. We want to congratulate and
10 welcome the Phoenix High Wrestling Team here.
11 Please stand.

12 And thank you very much for being
13 here today. Thank you. Congratulations.

14 Senator Libous.

15 SENATOR LIBOUS: Mr. President, I
16 know this might be shocking to you and some of my
17 colleagues, but I too was a wrestler in high
18 school. And this body looked different.

19 (Laughter.)

20 SENATOR LIBOUS: But I want to
21 offer my congratulations. I know what it's like
22 to go through those grueling practices, running
23 the halls, the stairs, and the drills that take
24 place to become champions. So I too want to
25 salute you.

1 ACTING PRESIDENT GRIFFO: Thank
2 you, gentlemen.

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President,
5 there's a resolution at the desk by Senator
6 Little; 4624 is the number. It was previously
7 adopted by this house on May 15th. May we please
8 have it read in its entirety and call on
9 Senator Little.

10 ACTING PRESIDENT GRIFFO: The
11 Secretary will read.

12 THE SECRETARY: Legislative
13 Resolution Number 4624, by Senator Little,
14 congratulating Joseph Girard III of Glens Falls,
15 New York, upon the occasion of capturing the Elks
16 National Hoop Shoot championship.

17 "WHEREAS, This Legislative Body
18 takes pleasure in honoring talented young
19 athletes who distinguish themselves and their
20 community through outstanding athletic
21 performance; and

22 "WHEREAS, Athletic competition
23 enhances the moral and physical development of
24 the young people of this state, preparing them
25 for the future by instilling in them the value

1 of teamwork, encouraging a standard of healthy
2 living, imparting a desire for success, and
3 developing a sense of fair play and competition;
4 and

5 "WHEREAS, Attendant to such
6 concern, and in full accord with its
7 long-standing traditions, it is the intent of
8 this Legislative Body to congratulate Joseph
9 Girard III of Glens Falls, New York, upon the
10 occasion of capturing the Elks National Hoop
11 Shoot championship; and

12 "WHEREAS, On April 28, 2012, at
13 Western New England University in Springfield,
14 Massachusetts, Joseph Girard III, an 11-year-old
15 fifth-grader from Glens Falls, New York, sunk all
16 25 of his foul shots to win the national
17 championship for his age group of
18 8-to-13-year-olds; and

19 "WHEREAS, With his perfect
20 25-for-25 result from the free-throw line, Joseph
21 Girard III of Glens Falls, New York, also
22 received the Getty Powell Award as the best
23 overall shooter in the boys division; and

24 "WHEREAS, As an Elks national
25 champion, Joseph Girard III of Glens Falls,

1 New York, will have his name inscribed on a
2 plaque at the National Basketball Hall of Fame in
3 Springfield, Massachusetts; and

4 "WHEREAS, The Elks National Free
5 Throw Contest, the Elks Hoop Shoot, is the
6 largest and most visible of the many youth
7 activities sponsored by Elks lodges throughout
8 the country. It is active in all 50 states and
9 the District of Columbia. Over 3 million boys
10 and girls between the ages of eight and 13 will
11 participate this year; and

12 "WHEREAS, Now in its 40th year of
13 national competition, the Elks Hoop Shoot started
14 originally in 1946 as a local Elks activity in
15 Corvallis, Oregon. It has served to highlight
16 the Elks national commitment to youth; and

17 "WHEREAS, Each of over 2,100 Elks
18 lodges are encouraged to establish their own
19 local Hoop Shoot contests involving boys and
20 girls from ages eight to 13. In the first year
21 of the national program, boys from 19 states
22 participated. In 1973, over 750,000 boys from
23 42 states took part in the contest. And in the
24 following year, girls were added to the
25 competition; and

1 "WHEREAS, From the millions of
2 youngsters who participate in the Elks Hoop Shoot
3 program, six champions are named, one boy and one
4 girl, each in three categories: ages 8-9, 10-11,
5 and 12-13. The winners each receive a trophy and
6 their names are inscribed at the National
7 Memorial Basketball Hall of Fame in Springfield,
8 Massachusetts; and

9 "WHEREAS, The competition to become
10 an Elks Hoop Shoot champion is rigorous. At each
11 level, contestants take a total of 25 free
12 throws. National finalists average around
13 90 percent; and

14 "WHEREAS, Families participate with
15 contestants throughout the Elks Hoop Shoot
16 competition. The parents of finalists on the
17 state, regional and national levels attend the
18 competition as guests of the Elks; and

19 "WHEREAS, The Elks Hoop Shoot
20 program has been effective in developing both
21 champions and character. Educators and parents
22 have endorsed the program, which 'teaches a
23 person how to win in good grace and how to accept
24 the moment of defeat without bitterness'; and

25 "WHEREAS, Excellence and success in

1 competitive sports can be achieved only through
2 strenuous practice. Joseph Girard III's
3 dedication is a year-round, everyday commitment.
4 He is highly focused and has developed a
5 matchless work ethic; and

6 "WHEREAS, Joseph Girard III's
7 exemplary performance in the Elks Hoop Shoot
8 program is reflective of his dedication,
9 determination and personal commitment. His
10 achievement stands as a hallmark of what is best
11 in the families, schools and communities across
12 New York State; now, therefore, be it

13 "RESOLVED, That this Legislative
14 Body pause in its deliberations to congratulate
15 Joseph Girard III upon the occasion of his
16 participation in the 40th Annual Benevolent and
17 Protective Order of Elks National Hoop Shoot
18 competition, and to commend him for the enduring
19 honor he has brought to his family, his school
20 and his community; and be it further

21 "RESOLVED, That a copy of this
22 resolution, suitably engrossed, be transmitted to
23 Joseph Girard III."

24 ACTING PRESIDENT GRIFFO: Can I
25 have some order in the chamber, please.

1 Senator Little.

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

4 First of all, I'd like to begin by
5 thanking the Elks Club for all of their youth
6 activities throughout the country, and for this
7 particular contest that involves so many young
8 people in all 50 states.

9 Many of you are well aware that
10 Glens Falls, New York, is the home of the
11 New York State Public High School Basketball
12 Tournament. It's also the home of Jimmer
13 Fredette, who was the 2011 National Collegiate
14 Basketball Champion. And I'd now like to
15 introduce you to Glens Falls, New York's newest
16 athletic celebrity, Joseph Girard III.

17 He's joining us today, standing in
18 the gallery. He's accompanied by his mother,
19 Arlene, his grandmother Nancy, and two other
20 Joseph Girards. Joseph Girard, Jr., his father,
21 was also a basketball player, played at
22 Shenendehowa and at Le Moyne College. His
23 grandfather, Joseph Girard, Sr., was the athletic
24 director of my alma mater and his alma mater,
25 St. Mary's Academy -- I won't tell you what

1 years. But he was athletic director and
2 basketball coach as well at St. Mary's Academy.

3 ACTING PRESIDENT GRIFFO: Excuse
4 me, Senator Little.

5 Can we have some -- I know there
6 are a number of members returning from the
7 Finance Committee. Can we please have some order
8 in the chamber.

9 Senator Little, thank you.

10 SENATOR LITTLE: Thank you.

11 Obviously all three generations of
12 Joseph Girards have excelled in basketball.

13 Young Joseph, a fifth grader in
14 Glens Falls, at 11 years old won the regional
15 category for the Hoop Shoot contest and went on
16 to win the national category. Not only did he
17 win the category for his age group, the 10 to 11,
18 but he won the Getty Powell Award as the best
19 overall shooter in the whole contest for the boys
20 because he shot 25 of 25 foul shots.

21 He's wearing his medal. And as you
22 heard, his name is inscribed in the Basketball
23 Hall of Fame in Springfield.

24 Joseph didn't come by this
25 lightly. I will tell you he began practicing for

1 this early this winter. And his daily regimen,
2 with his father as his coach, was to shoot 300
3 foul shots a day. And they went to the gym every
4 single day and did his in groups of 25, 300 foul
5 shots. And it certainly has paid off.

6 But more than basketball, Joseph is
7 learning a lot about presenting and being in
8 front of groups. He has spoken at the New York
9 State Elks Convention. In July he's going to
10 travel to Austin, Texas, to speak at the Elks
11 National Convention.

12 So it's with a great deal of pride
13 and enthusiasm that I welcome Joseph to the
14 chamber and ask for the privileges of the chamber
15 to be given to him.

16 Thank you very much.

17 ACTING PRESIDENT GRIFFO: Thank
18 you, Senator Little.

19 We want to congratulate Joseph
20 Girard III and welcome the entire Girard family
21 here. We extend to you the courtesies of the
22 house. Congratulations.

23 (Applause.)

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

1 I will note that this resolution
2 was previously adopted on May 15th.

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President, I
5 believe there's a resolution at the desk by
6 Senator Alesi. It's Resolution Number 5010. I
7 ask that the title be read and that you call on
8 Senator Alesi before its adoption.

9 ACTING PRESIDENT GRIFFO: The
10 Secretary will read.

11 THE SECRETARY: Legislative
12 Resolution Number 5010, by Senator Alesi,
13 memorializing Governor Andrew M. Cuomo to
14 proclaim June 1 through 7, 2012, as CPR-AED
15 Awareness Week in the State of New York.

16 ACTING PRESIDENT GRIFFO: Senator
17 Alesi.

18 SENATOR ALESI: Thank you,
19 Mr. President.

20 Have you read the resolution,
21 Mr. Secretary? Thank you.

22 This resolution calls upon the
23 Governor, it memorializes Governor Cuomo to
24 recognize this week as CPR Awareness Week, in
25 conjunction with the national effort for CPR

1 awareness.

2 As many of you know, CPR is a vital
3 lifesaving tool for people who suffer sudden
4 cardiac arrest. But what most people don't know
5 is that when people suffer cardiac arrest, their
6 chances of survival, even if they've been in the
7 hospital, is only one in 10. Only one in 10.

8 And so by calling on a national
9 awareness and a statewide awareness in New York
10 State, we also recognize that only 43 percent of
11 the people that suffer cardiac arrest even get
12 what's called bystander CPR. Even though
13 bystander CPR can increase your survival rate by
14 twice or three times, very few people know what
15 to do in the case of sudden cardiac arrest.

16 Every minute that someone who has
17 sudden cardiac arrest goes without CPR, they lose
18 a 10 percent chance of survival. Needless to
19 say, in several minutes death is imminent.

20 That's why I'm calling on the
21 Governor and asking all of my colleagues, if they
22 have not signed onto this memorializing
23 resolution to the Governor, to please do so, to
24 raise awareness that CPR can save lives.

25 And so that what will work to

1 society's great benefit is that many, many more
2 people than today will know CPR. They will learn
3 basic hands-only bystander CPR. The success of
4 saving lives depends greatly on a well-trained
5 public.

6 My staff in both of my offices are
7 trained, they're certified in CPR and AED. I
8 know that shortly members of the Senate here, and
9 staff, will participate in training. That will
10 save lives, there's absolutely no question. I
11 personally have performed CPR on someone at a
12 time when no one knew what was happening to him,
13 and he is now alive today.

14 Ladies and gentlemen, I urge you to
15 join me in memorializing the Governor to make
16 this week CPR Awareness Week. And as a lead-in,
17 hopefully we will see a bill sometime before the
18 end of session that will allow a whole army of
19 young high school children to know very basic
20 hands-only CPR so that New York State will be a
21 leader with an army of young lifesavers who know
22 CPR.

23 Thank you, Mr. President.

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

1 The question is on the resolution.

2 All in favor signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT GRIFFO: Opposed,
5 nay.

6 (No response.)

7 ACTING PRESIDENT GRIFFO: The
8 resolution is adopted.

9 Senator Libous.

10 SENATOR LIBOUS: Mr. President,
11 can we now go back to reports of standing
12 committees. I believe there's a report of the
13 Finance Committee at the desk.

14 ACTING PRESIDENT GRIFFO: We'll
15 return to reports of standing committees.

16 The Secretary will read the Finance
17 Committee report.

18 THE SECRETARY: Senator
19 DeFrancisco, from the Committee on Finance,
20 offers the following nominations.

21 As trustee of the Power Authority
22 of the State of New York, John Koelmel, of
23 East Amherst.

24 ACTING PRESIDENT GRIFFO: Senator
25 DeFrancisco.

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

3 I'm proud to rise to move the
4 nomination of John Koelmel as trustee of the
5 Power Authority of the State of New York.

6 You know, the Governor keeps doing
7 this, he keeps making our job very easy in
8 approving the nominations and confirming his
9 appointments, because these are individuals all
10 three of whom are extremely well-qualified and
11 all of whom have varying backgrounds which will
12 make an excellent mix with respect to this
13 important authority in the State of New York.

14 And I would request that you
15 recognize Senator Maziarz, the chairman of the
16 Energy Committee, to second the nomination.

17 ACTING PRESIDENT GRIFFO: Thank
18 you, Senator DeFrancisco.

19 Senator Maziarz.

20 SENATOR MAZIARZ: Thank you very
21 much, Mr. President and Senator DeFrancisco.

22 I too rise to support the
23 nomination of John Koelmel, of East Amherst, for
24 the position of trustee of the Power Authority of
25 State of New York.

1 I've known John for several years.
2 I've worked with him on business issues in
3 Western New York. He runs one of the more
4 popular and successful banking operations in all
5 of New York State. But more important than that,
6 he gives back to his community as chairman of the
7 board of the Kaleida Health System in Western
8 New York, and he's done an excellent job there
9 too.

10 I think this is an excellent
11 appointment by Governor Cuomo. I know that the
12 Governor intends on recommending Mr. Koelmel to
13 be the chairman of the Power Authority Board of
14 Trustees.

15 And I think it's very significant
16 that the chairperson of the board and that two of
17 these appointments today are coming from Western
18 New York, of course the home of the Niagara Power
19 Project, which is the crown jewel of the Power
20 Authority's operations.

21 So I stand here today in full
22 support of this nomination and congratulate
23 Governor Cuomo.

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator Maziarz.

2 Senator Nozzolio.

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

5 Mr. President and my colleagues, I
6 rise in support of this outstanding nomination
7 and congratulate Governor Cuomo for selecting a
8 person with a great amount of job development
9 sense, from a perspective of Western New York, to
10 head this very important authority.

11 John Koelmel has made a very good
12 bank and transformed it into a great bank, a bank
13 which produces jobs throughout New York State and
14 continues to keep its corporate headquarters here
15 in New York State.

16 Mr. Koelmel has experience, the
17 background, the understanding of job growth, job
18 development, and the impact that energy has on
19 that particular extremely important sector. From
20 that, I know he will be an excellent leader of
21 the Power Authority.

22 Mr. President, my colleagues, I
23 support this nomination with tremendous
24 enthusiasm, and I know John Koelmel will bring
25 the enthusiasm he has brought to the development

1 of his bank, First Niagara Bank, into the Power
2 Authority for great days ahead.

3 Thank you, Mr. President. I
4 support the nomination.

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

7 Senator Kennedy.

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

10 Mr. Koelmel, congratulations.

11 John Koelmel is a great nomination
12 as a New York Power Authority trustee. And I
13 believe his proven leadership makes him the right
14 choice as the NYPA chair, as the Governor has
15 recommended.

16 The New York Power Authority
17 provides power to drive growth in our economy,
18 and John Koelmel will provide the leadership and
19 expertise that's going to drive our economy
20 forward and help to improve the environment for
21 job creation.

22 As a leading provider for low-cost
23 power, NYPA plays an important role in New York's
24 economy, whether we're from Western New York or
25 downstate. And NYPA works to ensure that

1 businesses and homeowners have cheaper power,
2 cleaner power, and ultimately jobs are created
3 and our economy can grow.

4 Mr. Koelmel is going to ensure that
5 NYPA remains focused on capitalizing on the
6 low-cost power to push forward with economic
7 development that has already begun and that we're
8 waiting to begin out in Western New York and all
9 across our state. Mr. Koelmel understands
10 firsthand our state's economy, especially the
11 economy of Western New York. He knows the
12 challenges we've faced. He's analyzed
13 opportunity for economic growth.

14 As president and CEO of First
15 Niagara Bank, Mr. Koelmel has taken on challenges
16 and capitalized on the opportunities that have
17 been presented to him. Under his leadership,
18 First Niagara had grown in prominence and in
19 market share. More people are banking with First
20 Niagara, and its name now adorns the home of our
21 beloved Buffalo Sabres.

22 Buffalo and Western New York are
23 proud to be the home of this growing business,
24 and John Koelmel is clearly a proud Western
25 New Yorker. The evidence is in First Niagara's

1 commitment to creating and maintaining jobs
2 throughout our region. His understanding of
3 Western New York and the impact the New York
4 Power Authority can have on our local economy is
5 another asset he brings to the post within the
6 New York Power Authority.

7 I want to congratulate once again
8 Mr. Koelmel on his confirmation as New York Power
9 Authority trustee, and I commend the Governor
10 once again for making a great nomination.

11 Congratulations.

12 ACTING PRESIDENT GRIFFO: Senator
13 Ranzenhofer.

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

16 I'd also like to rise and join my
17 colleagues in congratulating the Governor on a
18 truly excellent choice for the New York Power
19 Authority. Not only is he a great representative
20 from Western New York, he is a great
21 representative from the 61st District and a
22 neighbor as well.

23 We've talked about his great
24 experience, not only the background in
25 accounting, which I think that you need a strong

1 accounting and business background to be involved
2 with the Power Authority, but more importantly,
3 for the last eight years with your stewardship
4 and leadership of First Niagara Bank, which has
5 really grown tremendously under your leadership
6 and with your expertise over the last couple of
7 years, going from what I would call a local
8 regional bank to now being a statewide
9 institution. And also, during the Finance
10 Committee, assuring not only the protection of
11 power for Western New York but for other areas of
12 the state as well.

13 It's important, as we've sat here
14 for the entire session and talked about job
15 creation, that we use the Power Authority for job
16 creation. John, you've done that in your
17 position as chairman and CEO of the bank.

18 And we hope -- there are projects
19 that I'm very involved with, and I'll mention one
20 in Genesee County, STAMP, which is going to rely
21 on low-cost power in order to bring
22 manufacturing, science and technology jobs for
23 Western New York where they're so sorely needed.
24 So the job creation aspect of your position is
25 very, very important.

1 Obviously your leadership on the
2 Regional Economic Council, as in Kaleida Health,
3 shows very well that you're able to work together
4 with people from different parties, from
5 different areas of the state, from different
6 backgrounds. And that's so important when you're
7 running and being involved in the New York State
8 Power Authority.

9 They didn't mention your
10 involvement in bringing back the Empire State
11 Games a few years ago at UB. I know you were
12 very involved with that as well.

13 But again, I just want to close,
14 very, very important that we have someone of your
15 leadership skills, your financial background,
16 your banking background there at the helm, there
17 in the trenches fighting for Western New York and
18 fighting for job creation for the entire state,
19 but most importantly for Western New York, which
20 so sorely needs it.

21 I wish you well. I know that
22 you'll do a great job and look forward to
23 continuing the dialogue as we move forward. So
24 congratulations again on your acceptance and to
25 the Governor for making an excellent nomination.

1 Thank you.

2 ACTING PRESIDENT GRIFFO: The
3 question is on the nomination of John Koelmel as
4 trustee of the New York State Power Authority.
5 All in favor signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT GRIFFO: Opposed,
8 nay.

9 (No response.)

10 ACTING PRESIDENT GRIFFO: John
11 Koelmel is hereby confirmed as a trustee of the
12 Power Authority of the State of New York.

13 Congratulations, Mr. Koelmel.

14 (Applause.)

15 ACTING PRESIDENT GRIFFO: The
16 Secretary will read.

17 THE SECRETARY: As trustee of the
18 Power Authority of the State of New York, Joanne
19 M. Mahoney, of Fayetteville.

20 ACTING PRESIDENT GRIFFO: Senator
21 DeFrancisco.

22 SENATOR DeFRANCISCO: Yes, I'm
23 proud to move the nomination of Joanne M. Mahoney
24 as a trustee of the New York State Power
25 Authority.

1 I've known Joanie for a long time.
2 And she has been a very remarkable woman for all
3 of her accomplishments, and in addition the
4 wonderful accomplishment of raising four
5 beautiful young boys that she had to spend some
6 of her time raising. But in between raising
7 those children, which she's done in a wonderful
8 way, she's done remarkable things.

9 She's not only got a degree from
10 Syracuse University as well as a law degree --
11 you all remember Syracuse University, the home of
12 champions in Central New York, where champions
13 are raised and bred -- she also practiced law.
14 She was an assistant district attorney
15 prosecuting cases. She, like us, has some
16 political background even before she was county
17 executive. She was a councilor at large for the
18 City of Syracuse, so she knows, when we call her
19 on one of our pleas, how it is to be on the other
20 end of the spectrum trying to get something done
21 by government.

22 Also, as she's been the county
23 executive, since we're in a fiscal time of great
24 concern, since she's been county exec for the
25 last five years she's maintained a AAA bond

1 rating for Onondaga County, which is quite an
2 accomplishment in view of all the things that are
3 happening worldwide with respect to credit
4 ratings and the like.

5 So as I said at the outset, this is
6 a great group of people with such varied
7 backgrounds that all together will make some
8 terrific decisions, and the Governor should be
9 complimented on these great appointments.

10 And I am pleased to move the
11 nomination of Joanne M. Mahoney as trustee of the
12 New York State Power Authority, and I ask that
13 you call first on Senator Maziarz to second the
14 nomination, and then on Senator Valesky, who also
15 is part of our Onondaga County delegation, to
16 second the nomination.

17 Thank you, Mr. President.

18 ACTING PRESIDENT GRIFFO: Senator
19 Maziarz.

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

22 Just very briefly, this is the one
23 nominee that I really don't personally know. But
24 I have to say that the committee met with County
25 Executive Mahoney today and found her to be more

1 than qualified for this position.

2 Again, I think it's a very positive
3 move that the Governor is appointing three people
4 from upstate New York to the Power Authority
5 board.

6 So Joanie Mahoney received the
7 unanimous consent and endorsement of the Senate
8 Energy and Telecommunications Committee, and we
9 wish her well.

10 Thank you, Mr. President.

11 ACTING PRESIDENT GRIFFO: Senator
12 Valesky.

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

15 I'm very, very pleased to rise to
16 second the nomination of Joanne Mahoney as a
17 trustee of the Power Authority and am happy to
18 join my colleagues Senator DeFrancisco and Energy
19 Committee Chairman Maziarz in doing so.

20 Joanie has continued to show in so
21 many ways why the people of Onondaga County are
22 so fortunate to be led by her. She does a
23 remarkable job each and every day.

24 And she knows firsthand the
25 importance of power and low-cost power to her

1 economic development efforts in her role as
2 county executive and our combined efforts. You
3 know, this house and this Legislature last year,
4 under the leadership of Governor Cuomo, was proud
5 to enact the Recharge New York program. We
6 finally put a permanent low-cost power program in
7 place after many years.

8 And now, Joanie, as a trustee of
9 the Power Authority you will be in an even
10 greater ability to serve in an economic
11 development capacity for manufacturers in
12 particular, but in all of our job creation
13 efforts working together.

14 So the people of Onondaga County
15 are very fortunate not only to have you as their
16 county executive but will be even more fortunate
17 with you in your new role -- but not limited only
18 to Onondaga County, certainly all of Central
19 New York. So I proudly second the nomination
20 here today.

21 Thank you.

22 ACTING PRESIDENT GRIFFO: Senator
23 Nozzolio.

24 SENATOR NOZZOLIO: Thank you,
25 Mr. President.

1 Mr. President, my colleagues, I
2 proudly rise to second the nomination of Joanie
3 Mahoney as member of the Power Authority.
4 Associating myself with the excellent remarks of
5 Senator DeFrancisco and Senator Valesky in
6 particular, as those representatives of Onondaga
7 County, that as county executive Joanie Mahoney
8 has exerted influence certainly throughout the
9 Central New York region, as a fine spokesperson
10 for all levels of local government.

11 And as the leader of local
12 government in Central New York, as the Onondaga
13 County executive, she has stood as a beacon for
14 other counties and particularly other local
15 government officials to follow. That example is
16 one that is exemplary and one which I very much
17 appreciate.

18 I also appreciate the fact that
19 many of us in this chamber had the opportunity to
20 serve with Bernie Mahoney, with Joanie's dad, in
21 the State Legislature. And that that certainly
22 was a wonderful experience. He's a fine man and
23 certainly been a great, I know, mentor and leader
24 to his daughter.

25 With that, I wish to congratulate

1 Governor Cuomo on this appointment and thank
2 Joanie for taking part, County Executive Mahoney
3 for taking part in this important responsibility.

4 Thank you, Mr. President.

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

7 The question is on the nomination
8 of Joanne M. Mahoney as trustee of the Power
9 Authority of the State of New York. All in favor
10 signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT GRIFFO: Opposed,
13 nay.

14 (No response.)

15 ACTING PRESIDENT GRIFFO: Joanne
16 M. Mahoney is now certified and ratified as a
17 nominee of the Power Authority of the New York
18 State.

19 Congratulations, Joanie.

20 (Applause.)

21 ACTING PRESIDENT GRIFFO: The
22 confirmation is approved.

23 Senator DeFrancisco.

24 SENATOR DeFRANCISCO: Yes, before
25 I go on to the next nominee, I know that you

1 indicated Ms. Mahoney was certified and
2 ratified. Is she also confirmed?

3 ACTING PRESIDENT GRIFFO: I did
4 say she's confirmed, Senator DeFrancisco.

5 SENATOR DeFRANCISCO: All right,
6 okay. I just wanted to make sure it was
7 official.

8 The next nominee is Terrance Flynn
9 as trustee of the Power Authority of the State of
10 New York. Again, an outstanding nomination by
11 the Governor. I think a couple of things should
12 be mentioned about him, the most important of
13 which I think --

14 ACTING PRESIDENT GRIFFO: Senator
15 DeFrancisco, we have to read the nomination
16 first. I know you're excited.

17 SENATOR DeFRANCISCO: Oh, I stand
18 corrected. I got so excited.

19 ACTING PRESIDENT GRIFFO: It's
20 easy to get you excited.

21 The Secretary will read.

22 THE SECRETARY: As a trustee of
23 the Power Authority of the State of New York,
24 Terrance Flynn, of Snyder.

25 ACTING PRESIDENT GRIFFO: Senator

1 DeFrancisco.

2 SENATOR DeFRANCISCO: As I was
3 saying before I was so rudely interrupted, I am
4 proud to move the nomination of Terrance Flynn as
5 trustee of the New York State Power Authority.

6 The nomination is another
7 outstanding nomination. But this is what the
8 State of New York is getting in this nomination:
9 An individual who is a practicing attorney
10 presently but, more importantly, was the U.S.
11 Attorney for the Western District of New York.

12 That is an incredible
13 responsibility, a responsibility that went
14 over -- is it 17 counties? Seventeen counties.
15 He prosecuted criminal cases, his office did, and
16 also handled civil litigation on behalf of the
17 government, and managed 57 lawyers. Can you
18 imagine that, what a good manager he's got to be
19 to manage 57 lawyers?

20 And to show how important it is
21 with our fiscally strained State of New York,
22 during his tenure in his civil and criminal
23 pursuits, he was able to recover for the citizens
24 of the State of New York \$124 million through the
25 civil actions and prosecutions and forfeitures

1 and the like.

2 So here's an individual that we
3 really are very happy about, as the other two
4 that the Governor is appointing. And I proudly
5 move the nomination and urge the unanimous
6 support of this body.

7 And again, I would request that you
8 would call on Senator Maziarz, chairman of the
9 Energy Committee.

10 ACTING PRESIDENT GRIFFO: Senator
11 Maziarz.

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

14 I again rise to support and second
15 the nomination of Terry Flynn, who is the second
16 nominee that I personally am acquainted with.
17 Also the second nominee from Western New York to
18 serve in this most important position of trustee
19 of the New York State Power Authority.

20 I've known Terry for a long time.
21 As Senator DeFrancisco pointed out, his great
22 work as U.S. Attorney for the Western District of
23 New York. But in private practice, he has done
24 work specializing in the area of energy, energy
25 development, and job creation.

1 I think all three of these nominees
2 understand the importance of using the assets,
3 particularly hydropower produced at Niagara and
4 St. Lawrence, for job creation in economically
5 depressed areas of upstate New York.

6 I heartily endorse and thank the
7 Governor for this great nomination.

8 Thank you, Mr. President.

9 ACTING PRESIDENT GRIFFO: Senator
10 Young.

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

13 I rise to associate myself with the
14 comments by Senator DeFrancisco, Senator
15 Maziarz. I congratulate Governor Cuomo for this
16 outstanding choice for the New York Power
17 Authority, and so I rise to second the
18 nomination.

19 As was pointed out previously,
20 Terrance Flynn has a very distinguished resume.
21 He knows the law, he knows energy issues, he
22 knows business and industry, he knows law
23 enforcement. And so he's particularly qualified
24 to serve in this capacity.

25 I do want to point something out,

1 however. I believe that his most important asset
2 and qualification for this nomination is that his
3 mother, Betty Flynn from Mount Morris, is my most
4 favorite constituent.

5 So I want to sincerely congratulate
6 all of the nominees: Joanie Mahoney, John
7 Koelmel, Terrance Flynn. We thank you for
8 undertaking this big assignment. I know that
9 you'll do us all proud.

10 So, Mr. President, again, I am very
11 proud to second the nomination of Terrance
12 Flynn.

13 ACTING PRESIDENT GRIFFO: Senator
14 Ranzenhofer.

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

17 I also again rise and commend the
18 Governor on a great nomination, not only from
19 Western New York but from my hometown in my
20 district, Terry Flynn.

21 I do have to comment that I thought
22 it was very brave of Senator Young to publicly
23 announce who her favorite constituent was in
24 front of all of us. That was a very, very brave
25 action on your part.

1 (Laughter.)

2 SENATOR RANZENHOFER: Terry has
3 great experience, as already mentioned, both in
4 the private sector and public sector. Your legal
5 skills and managerial skills are well known, and
6 your reputation in the community is sterling and
7 above reproach.

8 One of the things I thought was
9 very interesting, and it was mentioned during the
10 Finance Committee meeting, is, as U.S. Attorney,
11 the attention that you had to focus on security.
12 And with that becoming a more prevalent or
13 up-and-coming issue of, you know, how do we also
14 protect from a security measure our energy
15 resources, I think that your expertise as
16 U.S. Attorney is going to prove invaluable
17 there.

18 So again, I want to congratulate
19 you on accepting the position. I want to
20 congratulate the Governor on again nominating two
21 members from my district and my hometown to serve
22 on this very, very important board.

23 Thank you, Mr. President.

24 ACTING PRESIDENT GRIFFO: Senator
25 Gallivan.

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

3 I too rise to thank the Governor
4 for three excellent appointments to this very
5 important board.

6 And without repeating the things
7 that my colleagues have said, two of the
8 individuals are from Western New York, the third
9 close to Western New York -- but for our
10 colleagues from downstate, they look upon us as
11 upstate one and the same.

12 Joanne Mahoney, who I don't know, I
13 appreciate the fact that you stood up for
14 Medicaid takeover legislation. John Koelmel,
15 Terry Flynn, I thank you, commend you for being
16 here.

17 The common thread for all three of
18 you -- and hopefully this gets back to the
19 Governor, with the sentiments echoed by my
20 colleagues -- the professionalism in each of your
21 careers, the pinnacle to which you each attain
22 and made things better for all the things that
23 you've done. And more importantly to me, the
24 things that you've been willing to do for the
25 community in your personal lives and through your

1 professional lives. First Niagara, excellent
2 corporate citizen.

3 I thank you and look forward to
4 good things in working with you in your new
5 capacity.

6 Thank you, Mr. President.

7 ACTING PRESIDENT GRIFFO: Thank
8 you, Senator Gallivan.

9 Senator Kennedy.

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

12 I just rise to once again
13 congratulate Terry Flynn on his nomination,
14 confirmation, as well as thank the Governor for
15 another wise choice, another wise nomination.

16 This is a nomination we can all be
17 proud of no matter what side of the state you
18 reside in or what side of the aisle you come
19 from. Terry Flynn is an upstanding individual
20 that has served Western New York, he's served the
21 country.

22 I'm proud to stand and second his
23 nomination and confirmation here today and look
24 forward to working with you in your new
25 capacity. Congratulations.

1 ACTING PRESIDENT GRIFFO: Senator
2 Grisanti.

3 SENATOR GRISANTI: Thank you,
4 Mr. President.

5 You know, the appointment of all
6 three to the NYPA board for upstate, and
7 especially two from Western New York, is
8 significant not only for the region but also for
9 the state as a whole. So I commend the Governor
10 for doing that.

11 I've known Terry for a long time.
12 We've practiced numerous cases we had in
13 Buffalo. And, Terry, you moved pretty quickly
14 throughout the ranks and now you've come to join
15 me up here, and I welcome you and say hello.

16 But he's committed to the region,
17 has an impeccable knack for detail. And the list
18 of community organizations that he, I'm sure
19 Joanne and John all belong to is something also
20 that has to be reminded people of, because it is
21 fantastic, Boys and Girls Clubs and everything
22 else you're involved in, Terry.

23 I would also say the same, John,
24 you've shown time and time again the leadership
25 and the commitment to Buffalo. And you have that

1 great commercial out there where you now say it's
2 time to rock and roll, Buffalo. I'm going to
3 expand it. It's not only time to rock and roll,
4 Buffalo, but New York State. And I know NYPA is
5 going to be in the right hands.

6 So I'm glad to support these
7 nominations of all three.

8 Thank you very much.

9 ACTING PRESIDENT GRIFFO: The
10 question is on the nomination of Terrance Flynn
11 as a trustee of the Power Authority of the State
12 of New York. All in favor signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT GRIFFO: Opposed,
15 nay.

16 (No response.)

17 ACTING PRESIDENT GRIFFO: Terrance
18 Flynn is hereby confirmed as a trustee of the
19 Power Authority of the State of New York.

20 Congratulations, Terry.

21 (Applause.)

22 ACTING PRESIDENT GRIFFO: The
23 Secretary will continue to read.

24 THE SECRETARY: As a member of the
25 Republic Airport Commission, Richard H. Grant, of

1 Farmingdale.

2 ACTING PRESIDENT GRIFFO: Senator
3 DeFrancisco.

4 SENATOR DeFRANCISCO: I move the
5 nomination.

6 ACTING PRESIDENT GRIFFO: The
7 question is on the nomination of Richard H. Grant
8 as a member of the Republic Airport Commission.
9 All in favor signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT GRIFFO:
12 Opposed?

13 (No response.)

14 ACTING PRESIDENT GRIFFO: Richard
15 H. Grant is hereby confirmed as a member of the
16 Republic Airport Commission.

17 The Secretary will read.

18 THE SECRETARY: As a member of the
19 Battery Park City Authority, Carl F. Mattone, of
20 Douglaston.

21 ACTING PRESIDENT GRIFFO: Senator
22 DeFrancisco.

23 SENATOR DeFRANCISCO: I move the
24 nomination.

25 ACTING PRESIDENT GRIFFO: The

1 question is on the nomination of Carl F. Mattone
2 as a member of the Battery Park City Authority.

3 Senator Squadron.

4 SENATOR SQUADRON: Thank you,
5 Mr. President, to explain my vote.

6 Mr. Mattone, by reputation and his
7 biography, is an able and worthy appointment,
8 without a doubt. Unfortunately, though, I'm
9 going to have to vote against his nomination
10 today.

11 Again, I want to be very clear, it
12 has nothing to do with what Mr. Mattone brings to
13 the job except for a single factor, which is he's
14 not a resident of Battery Park City. For a
15 number of years myself and Speaker Silver and
16 residents of Battery Park City have been urging
17 increased local participation on the board of the
18 Battery Park City Authority.

19 We're very pleased the Governor did
20 appoint one local member to the authority, Martha
21 Gallo, who is currently serving and serving
22 effectively. However, our hope and goal had been
23 to have this seat, in addition, filled by a local
24 resident of the authority. We thought that two
25 would be appropriate.

1 So again, Mr. Mattone, for any of
2 the other seats on the Battery Park City
3 Authority, would be someone I would support. But
4 because this is a seat where we were really so
5 hopeful to have local representation, I am not
6 able to support this nomination today.

7 Thank you, Mr. President.

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

10 The question is on the nomination
11 of Carl F. Mattone as a member of the Battery
12 Park City Authority. All in favor signify by
13 saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT GRIFFO: Opposed,
16 nay.

17 (No response.)

18 ACTING PRESIDENT GRIFFO: Carl F.
19 Mattone is hereby confirmed as a member of the
20 Battery Park City Authority.

21 The Secretary will read.

22 THE SECRETARY: As members of the
23 Long Island State Park, Recreation and Historic
24 Preservation Commission: Susan Gordon Ryan, of
25 Point Lookout, and Desmond M. Ryan, of St. James.

1 ACTING PRESIDENT GRIFFO: Senator
2 DeFrancisco.

3 SENATOR DeFRANCISCO: I move the
4 nominations and state for the record that they
5 are not related. They live in different areas of
6 the state or different cities of the state.

7 ACTING PRESIDENT GRIFFO: The
8 question is on the nominations of Susan Gordon
9 Ryan and Desmond M. Ryan as members of the Long
10 Island State Park, Recreation and Historic
11 Preservation Commission. All in favor signify by
12 saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT GRIFFO: Opposed,
15 nay.

16 (No response.)

17 ACTING PRESIDENT GRIFFO: Susan
18 Gordon Ryan and Desmond M. Ryan are hereby
19 confirmed as members of the Long Island State
20 Park, Recreation and Historic Preservation
21 Commission.

22 The Secretary will read.

23 THE SECRETARY: As members of the
24 State Camp Safety Advisory Council: Jordan Dale,
25 of Nanuet; Dawn Ewing, of Sleepy Hollow Manor;

1 and Milton Frischman, of Brooklyn.

2 ACTING PRESIDENT GRIFFO: Senator
3 DeFrancisco.

4 SENATOR DeFRANCISCO: I move the
5 nominations.

6 ACTING PRESIDENT GRIFFO: The
7 question is on the nominations of Jordan Dale,
8 Dawn Ewing, and Milton Frischman as members of
9 the State Camp Safety Advisory Council. All in
10 favor signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT GRIFFO: Opposed,
13 nay.

14 (No response.)

15 ACTING PRESIDENT GRIFFO: Jordan
16 Dale, Dawn Ewing, and Milton Frischman are hereby
17 confirmed as members of the State Camp Safety
18 Advisory Council.

19 Senator Libous.

20 SENATOR LIBOUS: Mr. President,
21 can we go back to motions, please.

22 ACTING PRESIDENT GRIFFO: We will
23 return to motions.

24 SENATOR LIBOUS: I believe there's
25 a resolution at the desk by Senator Squadron,

1 Number 5129. Could we have the title read and
2 call on Senator Squadron before its adoption.

3 ACTING PRESIDENT GRIFFO: The
4 Secretary will read.

5 THE SECRETARY: Legislative
6 Resolution Number 5129, by Senator Squadron,
7 commemorating the 25th Anniversary of the
8 New York Immigration Coalition.

9 ACTING PRESIDENT GRIFFO: Senator
10 Squadron.

11 SENATOR SQUADRON: Thank you very
12 much, Mr. President.

13 I rise to acknowledge the 25th
14 anniversary of the New York Immigration
15 Coalition, which has served a role in this state
16 since its founding for now a quarter-century to
17 bring together, under its umbrella, groups who
18 are really doing extraordinary grassroots work on
19 the ground, and also to be a force and a voice
20 for immigrant communities that are so fundamental
21 to who we are as a state and make sure that their
22 voice is heard and is not lost.

23 You know, I represent the Lower
24 East Side of Manhattan, which is a place where so
25 many different groups and cultures have started

1 their lives in this country. It's a place that
2 really shows the immigrant experience. And of
3 course the immigrant experience is not one that
4 is limited to the Lower East Side, it's one that
5 starts there and many other parts of the state
6 and expands to our country.

7 The greatness of our country is the
8 greatness of the constant rejuvenation and
9 regeneration that we get from immigrants. And as
10 we know, too often it is too easy to use
11 immigrant communities and immigrant populations
12 to score cheap political points or to divide one
13 neighbor against another.

14 The New York Immigration Coalition
15 in its work ensures that that doesn't happen,
16 ensures that from the Lower East Side to Flushing
17 to the Bronx to Brooklyn and all across the
18 state, we are a place that welcomes immigrants,
19 that understands the needs of immigrant
20 communities and that responds to them.

21 That's been true throughout its
22 25-year history. It's been true as it has
23 expanded to nearly 200 member organizations.

24 In its years, it has fought to work
25 with the Haitian refugee crisis and defend

1 Haitian refugees, to protect the safety net for
2 immigrants, to build the voice of immigrants in
3 the political process, to develop leadership and
4 capacity in immigrant communities, to fight for
5 the Campaign for Fiscal Equity to increase
6 educational equity in this state, and currently
7 to fight for the New York State DREAM Act, to
8 expand opportunity to those who are here, who
9 have come here to make a new life, and simply
10 want to have educational opportunity.

11 We are joined today by members of
12 the New York Immigration Coalition who are really
13 today's dreamers, who are fighting for the
14 passage of the DREAM Act in New York State so
15 that more New Yorkers -- and let's make no
16 mistake, these are young people who live in
17 New York, who are making their lives here, who
18 want to be successful here -- so that more
19 New Yorkers can find the sort of success in
20 New York, can make that immigrant dream that,
21 let's face it, just about everyone in this room,
22 just about everyone in this state at one point or
23 another, in one way or the other, was a member of
24 a new immigrant family, whether from a different
25 part of the country, a different part of the

1 world. And it is something that we can never
2 forget.

3 Each one of us has the immigrant
4 story, whatever our personal story is. And our
5 future is inevitably going to be an immigrant
6 future. If it's not, it won't be much future at
7 all. That's true for New York City, that's true
8 for New York State, that's true for our country.

9 The New York Immigration Coalition
10 has ensured that for 25 years. So I want to
11 honor them and their leadership for 25 great
12 years, pledge to stand shoulder to shoulder with
13 them on the fight for the DREAM Act and so many
14 others in the 25 years to come.

15 Thank you, Mr. President.

16 ACTING PRESIDENT GRIFFO: Senator
17 Parker.

18 SENATOR PARKER: Mr. President, on
19 the resolution.

20 Let me begin by thanking the
21 sponsor of this resolution, Daniel Squadron,
22 Senator Squadron, for his leadership on this
23 resolution. And I want to raise my voice to
24 celebrate also 25 years of impeccable service by
25 the New York Immigration Coalition.

1 There is, as again Senator Squadron
2 indicated, really nothing more important than
3 what immigrants bring to this state. If you
4 understand that this state is not just about the
5 geography and topography of our state, but really
6 about the people. What makes a state a state are
7 the individuals that comprise its membership.

8 And certainly immigrants are
9 important for the state. They're certainly
10 important to the district I come from. I
11 represent Flatbush and East Flatbush, Midwood,
12 Ditmas Park, Kensington and Borough Park, where
13 the vast majority of my constituency are
14 immigrants from the Caribbean, immigrants from
15 Bangladesh, from Pakistan, from Eastern Europe.

16 And so this organization has really
17 been, again, at the vanguard of fighting for
18 their rights, of making sure that immigrants have
19 an opportunity to be protected but also to really
20 have that real opportunity they've come here for,
21 which is to live the American dream.

22 And so as we talk about things like
23 the Campaign for Fiscal Equity or we talk about
24 Haiti relief or we talk about now the DREAM Act,
25 these things wouldn't even be talked about if it

1 wasn't for the New York Immigration Coalition.

2 And so we honor them, we thank
3 them. And like Senator Squadron, I pledge myself
4 for at least 25 times 25 more years of
5 partnership with their work and making sure that
6 immigrants have the opportunities that all
7 Americans have.

8 ACTING PRESIDENT GRIFFO: Senator
9 Stavisky.

10 SENATOR STAVISKY: Thank you,
11 Mr. President. And I too want to congratulate
12 the New York Immigration Coalition.

13 But I think of the New York
14 Immigration Coalition and the people whom they
15 serve as new Americans. And they have made our
16 lives much richer and fuller. They have done
17 remarkably well economically. They are a major
18 part of our social fabric, whether it be in the
19 schools where in Queens County we're always
20 arguing whether it's 160 different languages or
21 130 different languages are taught. But we have
22 special programs for the children when they first
23 come, and we try to look out for the new
24 Americans. And we welcome them to our shores.

25 And we provide not just for the

1 children in the schools, but throughout their
2 life and in the senior centers. And I must say,
3 every time I visit a senior center in my district
4 with new arrivals, and every time I attend a
5 citizenship ceremony, I feel very grateful for
6 their taking the big step of coming to a new
7 world with opportunity and surviving in our new
8 culture.

9 So I welcome the New York
10 Immigration Coalition, I congratulate them on the
11 first 25 years, and I look forward to working
12 with them in the future.

13 Thank you.

14 ACTING PRESIDENT GRIFFO: Senator
15 Perkins.

16 SENATOR PERKINS: I just wanted to
17 rise and speak on this resolution briefly.

18 Just a word of appreciation to the
19 sponsor for bringing forth the resolution and
20 appreciation to the Immigration Coalition.
21 Obviously they have been providing great
22 leadership with regard to the development of the
23 DREAM Act and the statewide support for that, and
24 I just wanted to recognize them for that and for
25 all the other work that they've done to bring

1 immigrants out of the shadows into the mainstream
2 and enable them to have a fulfilled life in the
3 State of New York.

4 So I wanted to add some remarks to
5 your resolution and thank you for it.

6 ACTING PRESIDENT GRIFFO: The
7 question is on the resolution. All in favor
8 signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT GRIFFO: Opposed,
11 nay.

12 (No response.)

13 ACTING PRESIDENT GRIFFO: The
14 resolution is adopted.

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President,
17 some time ago Senator Alesi had a resolution, it
18 was 5010. And he would like to open that up for
19 sponsorship. So if members wish not to go on the
20 resolution, they should let the desk know.

21 ACTING PRESIDENT GRIFFO: Senator
22 Alesi's resolution will be open to cosponsorship
23 at his request. If you choose not to be a
24 cosponsor, please notify the desk.

25 Senator Libous.

1 SENATOR LIBOUS: Mr. President, I
2 believe there's a resolution at the desk by
3 Senator Perkins, Number 4998. Could we have it
4 read in its entirety and call on Senator Perkins
5 before its adoption, please.

6 ACTING PRESIDENT GRIFFO: The
7 Secretary will read.

8 THE SECRETARY: Legislative
9 Resolution Number 4998, by Senator Perkins,
10 honoring the social and historical contributions
11 of Harlem resident Anthony "The Man of Steel"
12 Whitaker.

13 "WHEREAS, It is incumbent upon the
14 people of the State of New York to recognize and
15 acknowledge those within our midst who have made
16 significant contributions to the quality of life
17 therein; and

18 "WHEREAS, Attendant to such
19 concern, and in full accord with its
20 long-standing traditions, this Legislative Body
21 is justly proud to honor the social and
22 historical contributions of Harlem resident
23 Anthony 'The Man of Steel' Whitaker; and

24 "WHEREAS, Anthony Whitaker, a
25 47-year-old African-American artist, fashion

1 designer, graphic designer and senior district
2 operator at Con Edison for the past 22 years,
3 decided to take his camera to work at the
4 World Trade Center when he was dispatched there
5 just after the 9/11 disaster. A member of
6 The Metropolitan Museum of Art, and possessing
7 strong natural artistic and design capability,
8 he -- with his pristine expertise in art and
9 in-depth knowledge of symbolism -- brilliantly
10 captured a historic turning point and moment in
11 human history through the photographic capture of
12 Steel Standing; and

13 "WHEREAS, Steel Standing is a
14 powerfully compelling and arresting
15 black-and-white artistic photographic image that
16 has truthfully captured the horrific tragedy of
17 the attacks on New York City's World Trade Center
18 on September 11, 2001. It accomplishes this in a
19 way that dramatically and cathartically
20 memorializes all those who perished on that sad
21 day, and symbolically gives honor to the spirit
22 of courage, strength, resilience, and rebirth;
23 and

24 "WHEREAS, In June of 2010,
25 Steel Standing was the first photographic poster

1 offered to visitors at the 9/11 memorial preview
2 site; and

3 "WHEREAS, Anthony 'The Man of
4 Steel' Whitaker felt the need to help the United
5 States Military and the families of 9/11. He
6 founded the Steel Standing Memorial Foundation,
7 in which he supports The National September 11th
8 Memorial Museum and Wounded Warriors, a nonprofit
9 helping wounded soldiers after active-duty
10 service in the United States military; and

11 "WHEREAS, A true asset to society,
12 Anthony Whitaker's distinguished record merits
13 the recognition and respectful tribute of this
14 Legislative Body; now, therefore, be it

15 "RESOLVED, That this Legislative
16 Body pause in its deliberations to honor the
17 social and historical contributions of Harlem
18 resident Anthony 'The Man of Steel' Whitaker; and
19 be it further

20 "RESOLVED, That a copy of this
21 resolution, suitably engrossed, be transmitted to
22 Anthony Whitaker."

23 ACTING PRESIDENT GRIFFO: Senator
24 Perkins.

25 SENATOR PERKINS: Thank you,

1 Mr. President.

2 I'm privileged to rise today to
3 recognize one of my constituents who, through his
4 extraordinary artistic ability, captured a
5 pivotal moment in a very dark time in our
6 country's history.

7 Anthony Whitaker's Steel Standing
8 is a black-and-white photo of what remained of
9 the World Trade Center after the 9/11 tragedy.
10 It is both a memorial of the devastating loss of
11 so many innocent lives -- including my cousin,
12 Clyde Frazier Jr. -- but also a testament of the
13 will and resolve of our country to carry on.

14 I am proud to say that
15 Mr. Whitaker's Steel Standing will soon be
16 exhibited in the Smithsonian National Museum of
17 American History. In a letter acknowledging
18 receipt of Mr. Whitaker's gift of Steel Standing,
19 a curator remarked: "The photograph you have
20 made as a monument to those that perished and
21 survived the attack on the Twin Towers on
22 September 11, 2001, will loom large, literally
23 and figuratively, in any exhibition in which it
24 may be included. It is beautifully printed,
25 making the debris and remaining facade all the

1 more heroic.

2 "Steel Standing will serve as a
3 historical marker that not all of the responses
4 to 9/11 were angry and vitriolic. Your optimism
5 and hope in the face of such a terrible event
6 will be appreciated and valued by many."

7 They say a picture is worth a
8 thousand words; then Mr. Whitaker's Steel
9 Standing is the true embodiment of that
10 statement.

11 I'd like to bring to your attention
12 that copies of his remarkable photograph greets
13 you at the entrance to the chamber on both sides,
14 and would urge that you take the opportunity to
15 view it and get a chance to meet Mr. Whitaker and
16 his wife, who have joined us today in the
17 chamber.

18 Thank you very much.

19 ACTING PRESIDENT GRIFFO: Thank
20 you, Senator Perkins.

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

23 (Response of "Aye.")

24 ACTING PRESIDENT GRIFFO: Opposed,
25 nay.

1 (No response.)

2 ACTING PRESIDENT GRIFFO: The
3 resolution is adopted.

4 We want to take this opportunity to
5 welcome you, Mr. Whitaker, you and your wife.
6 Please rise and be recognized.

7 Thank you, and welcome to the
8 Senate. We extend the courtesies of the house.

9 (Applause.)

10 ACTING PRESIDENT GRIFFO: Senator
11 Libous.

12 SENATOR LIBOUS: Mr. President, I
13 believe Senator Perkins -- where are you, Senator
14 Perkins? You'd like to open that resolution up
15 for sponsorship to the body?

16 SENATOR PERKINS: Not only that,
17 but I'd also like to inform the members that
18 copies of that historic photograph are available
19 as a gift from Mr. Whitaker for all the members.

20 SENATOR LIBOUS: Thank you,
21 Senator. We'll open it up. If members wish not
22 to be on the resolution, let the desk know.

23 ACTING PRESIDENT GRIFFO: The
24 resolution is open for cosponsorship. Should you
25 choose not to be a cosponsor, notify the desk.

1 Senator Libous.

2 SENATOR LIBOUS: Mr. President, I
3 believe there's a resolution by Senator Peralta
4 at the desk, 5058. Could the title please be
5 read and call on Senator Peralta before its
6 adoption.

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will read.

9 THE SECRETARY: Legislative
10 Resolution Number 5058, by Senator Peralta,
11 commemorating the 203rd Independence Day in
12 Ecuador on August 10, 2012.

13 ACTING PRESIDENT GRIFFO: Senator
14 Peralta.

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

17 This August 10th will mark the
18 202nd Independence Day of Ecuador. This
19 celebration is important because commemorating
20 independence days summons us to reflect about the
21 unconquerable drive and spirit of patriotic
22 people who made autonomy possible throughout the
23 world.

24 Similar to what happened here,
25 Ecuadorians were a small band of patriots who had

1 declared independence from a powerful empire.
2 The people of Ecuador initially declared
3 independence from Spain in 1809, and that is why
4 we gather here today to celebrate. Their hunger
5 for liberty, autonomy and freedom, fueled by
6 their patriotism, enabled Ecuador to turn the
7 tables on the invading Spanish army as the local
8 army succeeded in defeating them.

9 Today the Independence Day of
10 Ecuador is observed with a series of programs
11 that are coordinated in different parts of the
12 Ecuador nation, especially in the capital city of
13 Quito. This patriotic extravaganza includes
14 special events organized throughout the day to
15 commemorate the occasion with cultural
16 exhibitions, parades by military forces, and
17 cannon fire. In Quito the events are mostly
18 organized in the Plaza de la Independencia and
19 the Plaza de Gobierno.

20 Ecuador's Independence Day is also
21 celebrated by the people residing in our great
22 State of New York and throughout our nation.
23 Various events are coordinated by the immigrant
24 community to commemorate this special occasion
25 with folkloric exhibitions, cultural

1 performances, parades, music, food, sporting
2 events, and social gatherings. I particularly
3 enjoy the sounds of the music of the Andes
4 myself.

5 From politics and the economy to
6 arts and culture, Ecuador and Ecuadorians have
7 augmented our nation and our lives. In my
8 district in particular in Queens, Ecuadorians
9 continue to strengthen our neighborhoods and
10 economy through their valuable contributions and
11 customs. They help maintain Queens as the most
12 diverse county in New York State as well as the
13 most diverse region in the nation and in the
14 world.

15 Today we celebrate the 202nd
16 commemoration of Ecuador's Independence Day and
17 the contributions made by the Ecuadorians and
18 Ecuadorian Americans in New York State and in our
19 nation. Thank you.

20 ACTING PRESIDENT GRIFFO: Thank
21 you, Senator Peralta.

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

24 (Response of "Aye.")

25 ACTING PRESIDENT GRIFFO: Opposed,

1 nay.

2 (No response.)

3 ACTING PRESIDENT GRIFFO: The
4 resolution is adopted.

5 Senator Libous.

6 SENATOR LIBOUS: Mr. President, I
7 believe Senator Peralta would like to open this
8 resolution up also. If there's anybody who
9 wishes not to be on it, please let the desk know.

10 ACTING PRESIDENT GRIFFO: The
11 resolution is open for cosponsorship. Should you
12 choose not to, notify the desk.

13 Senator Libous.

14 SENATOR LIBOUS: Mr. President, I
15 believe there's a resolution by Senator Huntley
16 at the desk, 5130. Could you read its title and
17 move for its immediate adoption.

18 ACTING PRESIDENT GRIFFO: The
19 Secretary will read.

20 THE SECRETARY: Legislative
21 Resolution Number 5130, mourning the death of
22 legendary radio personality Harold Baron Jackson.

23 ACTING PRESIDENT GRIFFO: The
24 question is on the resolution. All in favor
25 signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT GRIFFO: Opposed,
3 nay.

4 (No response.)

5 ACTING PRESIDENT GRIFFO: The
6 resolution is adopted.

7 Senator Libous.

8 SENATOR LIBOUS: Mr. President,
9 could we go to motions. Or we are on motions
10 already.

11 ACTING PRESIDENT GRIFFO: We are
12 on motions, Senator Libous.

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

15 On behalf of Senator Flanagan, I
16 move the following bill be discharged from its
17 respective committee and be recommitted with
18 instructions to strike the enacting clause. That
19 would be Senate Print 6293, please.

20 ACTING PRESIDENT GRIFFO: So
21 ordered.

22 SENATOR LIBOUS: Mr. President, at
23 this time we would like to take up the
24 noncontroversial reading of the calendar.

25 ACTING PRESIDENT GRIFFO: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number
3 489, by Senator Lanza, Senate Print 2471, an act
4 to amend the New York City Health and Hospitals
5 Corporation Act.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: In relation to
17 Calendar Number 489: Ayes, 57. Nays, 2.
18 Senators Ball and Krueger recorded in the
19 negative.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 503, substituted earlier today by Member of the
24 Assembly Heastie, Assembly Print 8924A, an act to
25 amend Chapter 481 of the Laws of 1967.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 58. Nays,
9 1. Senator Ball recorded in the negative.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 602, by Senator Young, Senate Print 5041A, an act
14 to amend the Administrative Code of the City of
15 New York.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

18 SENATOR SQUADRON: Lay it aside.

19 ACTING PRESIDENT GRIFFO: Lay it
20 aside.

21 THE SECRETARY: Calendar Number
22 603, by Senator Young, Senate Print 5152, an act
23 to amend the Administrative Code of the City of
24 New York.

25 SENATOR SQUADRON: Lay it aside.

1 ACTING PRESIDENT GRIFFO: Senator
2 Squadron has requested a lay-aside on Calendar
3 Number 603.

4 THE SECRETARY: Calendar Number
5 604, by Senator Young, Senate Print 6472, an act
6 to amend the Administrative Code of the City of
7 New York.

8 SENATOR SQUADRON: Lay it aside.

9 ACTING PRESIDENT GRIFFO: Lay the
10 bill aside.

11 THE SECRETARY: Calendar Number
12 635, by Senator Robach, Senate Print 6429, an act
13 to amend the Labor Law.

14 SENATOR SQUADRON: Lay it aside.

15 SENATOR DeFRANCISCO: Lay the bill
16 aside for the day, please.

17 ACTING PRESIDENT GRIFFO: The bill
18 is laid aside for the day.

19 THE SECRETARY: Calendar Number
20 636, substituted earlier today by Member of the
21 Assembly Wright, Assembly Print 9657, an act to
22 amend Chapter 517 of the Laws of 2011.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 59.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 650, by Senator Saland, Senate Print 6680, an act
10 to amend the Penal Law.

11 ACTING PRESIDENT GRIFFO: Read the
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 59.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 700, by Senator Robach, Senate Print 6341B, an
23 act to amend the Alcoholic Beverage Control Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 59.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 705, by Senator Flanagan, Senate Print 2596A, an
11 act to amend the Penal Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

14 THE SECRETARY: Section 3. This
15 act shall take effect on the first of November.

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 56. Nays,
20 3. Senators Duane, Montgomery and Perkins
21 recorded in the negative.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 717, by Senator Golden, Senate Print 1987, an act

1 to amend the Social Services Law.

2 SENATOR SQUADRON: Lay it aside.

3 ACTING PRESIDENT GRIFFO: Lay it
4 aside.

5 THE SECRETARY: Calendar Number
6 738, by Senator Flanagan, Senate Print 2593, an
7 act to amend the Mental Hygiene Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

10 THE SECRETARY: Section 8. This
11 act shall take effect on the 180th day.

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: In relation to
16 Calendar Number 738, those recorded in the
17 negative are Senators Avella, Duane, Montgomery,
18 Parker and Perkins.

19 Ayes, 54. Nays, 5.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 On Calendar Number 758, by Senator
23 Breslin, it was amended during motions and
24 resolutions, so the bill is high.

25 The Secretary will go to 789 on the

1 calendar.

2 THE SECRETARY: Calendar Number
3 789, substituted earlier today by Member of the
4 Assembly Weinstein, Assembly Print Number 8344A,
5 an act to amend the Estates, Powers and Trusts
6 Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 59.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 801, by Senator Saland, Senate Print 5226A, an
19 act to amend the Criminal Procedure Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

22 THE SECRETARY: Section 58. This
23 act shall take effect on the first of November.

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 59.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 803, by Senator Libous, Senate Print --

7 SENATOR DeFRANCISCO: Lay it aside
8 for the day, please.

9 ACTING PRESIDENT GRIFFO: Lay the
10 bill aside for the day.

11 THE SECRETARY: Calendar Number
12 819, by Senator Hannon, Senate Print 7031, an act
13 to amend the Public Health Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 59.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 822, by Senator Hannon, Senate Print 7161, an act

1 to amend the Public Health Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect on the same date and in the
6 same manner as Section 11 of Part A of Chapter 56
7 of the Laws of 2012.

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 59.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 892, substituted earlier today by Member of the
16 Assembly Gottfried, Assembly Print Number 10103,
17 an act to amend Chapter 58 of the Laws of 2010.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 59.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 893, by Senator Hannon, Senate Print 7330, an act
5 to amend the Public Health Law.

6 SENATOR SQUADRON: Lay it aside.

7 ACTING PRESIDENT GRIFFO: Lay the
8 bill aside.

9 Senator DeFrancisco, that completes
10 the noncontroversial reading of the calendar.

11 SENATOR DeFRANCISCO: I would
12 request that you now read the controversial
13 calendar, please.

14 ACTING PRESIDENT GRIFFO: The
15 Secretary will ring the bell.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 602, by Senator Young, Senate Print 5041A, an act
19 to amend the Administrative Code of the City of
20 New York.

21 SENATOR SQUADRON: Explanation.

22 ACTING PRESIDENT GRIFFO: An
23 explanation has been requested by Senator
24 Squadron, Senator Young.

25 SENATOR YOUNG: Thank you,

1 Mr. President.

2 This bill is actually drafted on
3 the premise that rent-controlled and
4 rent-stabilized apartments should only be
5 available to the people who actually live in
6 those apartments.

7 Rent-regulated tenants receive
8 significant economic benefits which result in
9 significant economic burdens on property owners
10 and actually reduces the amount of revenues
11 received by the City of New York.

12 So this bill provides that for the
13 purpose of determining whether a rent-regulated
14 apartment is occupied by the tenant as their
15 primary residence, if they fail to file a tax
16 return required by law or cast a vote in another
17 area than the one designated for the
18 rent-controlled apartment, then they are not
19 qualified to continue to receive rent-regulation
20 benefits.

21 So for example, if someone lives in
22 a rent-regulated apartment in New York City yet
23 they're actually filing for STAR benefits on a
24 residence upstate, or if they vote in Nassau
25 County, then they would no longer be qualified,

1 because that would say that that is not their
2 primary residence.

3 So that's what this bill does. And
4 if you have specific questions, I'd be glad to
5 answer that those, Mr. President.

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

8 Senator Espaillat.

9 SENATOR ESPAILLAT: Yes,
10 Mr. President. Would the sponsor yield for some
11 questions?

12 ACTING PRESIDENT GRIFFO: Senator
13 Young.

14 SENATOR YOUNG: Yes,
15 Mr. President.

16 ACTING PRESIDENT GRIFFO: The
17 sponsor yields.

18 SENATOR ESPAILLAT: Thank you,
19 Mr. President.

20 What happens if a person fails to
21 file their tax return? What are the steps that
22 must be taken before that unit could be
23 deregulated?

24 SENATOR YOUNG: Thank you,
25 Mr. President. To answer Senator Espaillat's

1 question, if someone fails to file their tax
2 return, then they are given 30 days' notice, and
3 then they can go to court. And then if they go
4 to court, then they can rebut the situation.

5 SENATOR ESPAILLAT: If the sponsor
6 will yield for another question.

7 SENATOR YOUNG: Certainly.

8 ACTING PRESIDENT GRIFFO: The
9 sponsor yields.

10 SENATOR ESPAILLAT: Well, in fact,
11 then, there are many New Yorkers that fail to do
12 their taxes, sometimes for several years. People
13 from all walks of life sometimes fail to do their
14 taxes.

15 So what you're saying, is this a
16 back way of getting people to do their tax
17 returns every two years?

18 SENATOR YOUNG: Through you,
19 Mr. President. First of all, I would operate
20 under the premise that people should file their
21 taxes. That if they fail to file their taxes,
22 that is not a good situation, because if they
23 fail to file their taxes they in fact are not
24 following New York State and federal law. So
25 yes, we would encourage everyone to file their

1 taxes when they're due.

2 SENATOR ESPAILLAT: Through you,
3 Mr. President, if the sponsor will yield.

4 SENATOR YOUNG: Yes,
5 Mr. President, I'll yield.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR ESPAILLAT: Thank you,
9 Senator Young.

10 But still, the fact of the matter
11 is that hundreds and perhaps thousands of
12 New Yorkers fail for whatever reason to do their
13 taxes. And although we're not encouraging folks
14 not to do their taxes, that is a reality.

15 And what this bill proposes to do
16 is in fact if someone does not do their taxes,
17 for whatever reason, they may very well wind up
18 homeless because an apartment could be
19 deregulated or a lease for one or two years may
20 not be extended.

21 Do you feel that will perhaps this
22 could contribute to an increase in homelessness
23 or folks being evicted from their apartments?

24 SENATOR YOUNG: Mr. President,
25 through you. While I appreciate what Senator

1 Espaillat has laid out, actually, in fact, if
2 someone does not file their taxes and they have
3 to go to court, there's a 30-day notice, as I
4 previously mentioned. If they have to go to
5 court, then they can in fact prove in court that
6 that indeed is their primary residence.

7 So we would hope, once again, that
8 people would actually file their taxes if they're
9 supposed to file their taxes. But they do have
10 the opportunity, Mr. President, to actually go to
11 court, there's a 30-day notice so they can get
12 prepared and they can go to court and actually
13 prove in court that it indeed is their primary
14 residence.

15 SENATOR ESPAILLAT: Mr. President,
16 through you, if the sponsor will yield for
17 another question.

18 ACTING PRESIDENT GRIFFO: The
19 sponsor yields.

20 SENATOR ESPAILLAT: Well, Senator,
21 I understand our intent on ensuring that all
22 New Yorkers pay their taxes and complete their
23 tax forms on time. But the fact of the matter is
24 that hundreds and thousands of them do not do
25 that. Including people in government, we find

1 out in the papers, do not do that.

2 So in fact this legislation will
3 force seniors or single moms that may not do
4 their taxes for whatever reason, to go into the
5 court system. Is that correct?

6 SENATOR YOUNG: Through you,
7 Mr. President, once again I do believe, in all
8 due respect to Senator Espaillat, I have answered
9 this question three times now. But there is a
10 process outlined in the bill where there would
11 be a 30-day notice and people would have to go to
12 court in order to prove it's their primary
13 residence. But hopefully people are paying their
14 taxes.

15 As I also said earlier, actually if
16 someone is collecting some kind of income tax
17 benefit from somewhere else, some other
18 residence, or if they're collecting some kind of
19 property tax benefit, whether it's the STAR
20 program, maybe in a different county, whether
21 they own a luxury property in Florida, for
22 example, and they're getting a homestead benefit,
23 what that shows is if they're collecting a
24 benefit related to taxes in some other location,
25 it proves that where they're getting their

1 rent-regulated benefits is not their primary
2 residence.

3 I think that to say that they
4 should be able to get those benefits through
5 rent-regulated apartments when in fact we have a
6 housing shortage in New York City, when in fact
7 we do have people who need affordable housing, if
8 they can afford to be in another residence in
9 another part of the state or some other state,
10 then they should not qualify for the benefits,
11 that are substantial, that are provided through
12 rent-regulated apartments.

13 I think it's very difficult to
14 defend the position that they should be able to
15 get a rent-regulated apartment when there are
16 plenty of people lined up who would love to have
17 that rent-regulated apartment who may not be able
18 to afford housing.

19 SENATOR ESPAILLAT: Mr. President,
20 if the sponsor will yield for another question,
21 through you.

22 ACTING PRESIDENT GRIFFO: The
23 sponsor yields.

24 SENATOR ESPAILLAT: Yes, Senator,
25 your sponsor's memo states that the failure to

1 file a required tax return or casting a vote in
2 an election district other than the one that you
3 are designated for that apartment shall result in
4 a rebuttable presumption that the tenant does not
5 occupy the apartment as their primary residence.

6 Can you explain what a rebuttable
7 process would be?

8 SENATOR YOUNG: Well, for example,
9 say someone -- and I've heard this example
10 brought up by your side of the aisle previously,
11 and we actually fixed the legislation to address
12 this.

13 But say, for example, someone by
14 mistake walks down the block and goes into the
15 wrong polling place. If that's the case, then
16 what will happen is that the inspectors, the
17 election people, will actually check their
18 records and they'll see whether that person is
19 registered to vote in that particular district.
20 If they're not, the person can fill out an
21 affidavit.

22 So there's a record there. If
23 somebody votes in the wrong place by accident,
24 that can be confirmed by the Board of Elections.
25 If that is confirmed by the Board of Elections,

1 then if they do go to court, they have a 30-day
2 notice, as I've previously stated, they can go to
3 court and actually prove through the records, the
4 voting records, the Board of Elections, that they
5 by mistake voted in the wrong district, and they
6 can prove that in court.

7 And if they prove it in court, then
8 there's not an issue.

9 SENATOR ESPAILLAT: Through you,
10 Mr. President, if the sponsor will yield for
11 another question.

12 SENATOR YOUNG: Yes,
13 Mr. President.

14 ACTING PRESIDENT GRIFFO: The
15 sponsor yields.

16 SENATOR ESPAILLAT: So not only
17 does this bill propose to entangle seniors and
18 moms and students -- and anyone that has not
19 filed a tax return -- in a court process, but
20 now, if for example, because this is a
21 redistricting year and the electoral district
22 that you vote on might change, the number may
23 change. If someone is to vote in the wrong ED,
24 as it will happen this year because we have
25 changed numbers of all of our electoral districts

1 through the redistricting process -- and it's a
2 high possibility that someone just may vote in
3 the wrong ED, that person would also be entangled
4 in an affidavit in a Board of Election process
5 that will have an impact on whether or not they
6 will be able to live in their rent-stabilized
7 apartment.

8 Is that the case?

9 SENATOR YOUNG: Through you,
10 Mr. President, I'd like to answer Senator
11 Espaillat's question.

12 If you cast a vote in the wrong
13 district, then that vote will not count as a vote
14 cast. And so what I mean by a rebuttable
15 presumption, it actually just shifts the burden
16 of proof to the tenant.

17 So basically, however, though, if
18 you go vote in the wrong election district,
19 again, there's a record, through the Board of
20 Elections, and you can able to prove where you
21 actually live, and you would be voting in the
22 right district.

23 So while I understand Senator
24 Espaillat's concerns, again, he's brought this up
25 several times. I believe that I have answered

1 the question repeatedly now. And basically all
2 this does is just make sure that somebody who is
3 getting the benefits of a rent-regulated
4 apartment actually qualifyies to get those
5 benefits, it is actually their primary residence.

6 And I guess it's hard for me and
7 many people to understand why, if somebody is
8 actually living somewhere else as their primary
9 residence, why they should qualify for the
10 benefits of a rent-regulated apartment.

11 SENATOR ESPAILLAT: On the bill,
12 Mr. President.

13 ACTING PRESIDENT GRIFFO: Senator
14 Espaillat on the bill.

15 SENATOR ESPAILLAT: Mr. President,
16 this is yet another hurdle, another obstacle that
17 is placed before working families across the city
18 and the State of New York. Folks that often do
19 not -- for whatever reason, right or wrong --
20 file their taxes will now be entangled, deeply
21 entangled in the legal process to show their
22 residence, and are at jeopardy of losing that
23 residence that is a rent-stabilized apartment.
24 And there is a crisis of affordable and available
25 rent-stabilized apartments.

1 But in addition to that, if you may
2 make a mistake and vote in the wrong ED, you will
3 now be also entangled in another legal process
4 through the Board of Election, and potentially a
5 court, that will result in you losing your
6 apartment.

7 This is a very complicated and I
8 think a very cumbersome piece of legislation that
9 will further aggravate the current dire
10 conditions and situations of many folks that live
11 in rent-stabilized apartments.

12 Because of that reason,
13 Mr. President, I urge a no vote on this bill.

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

16 Senator Krueger.

17 SENATOR KRUEGER: Thank you,
18 Mr. President. On the bill.

19 ACTING PRESIDENT GRIFFO: Senator
20 Krueger on the bill.

21 SENATOR KRUEGER: Thank you.

22 I appreciated my colleague Senator
23 Espaillat's questions, and I appreciated the
24 sponsor's answers.

25 So I just want to try to explain a

1 little bit how it works today. If you are the
2 owner of apartments under rent regulation or rent
3 control and you believe your tenant does not live
4 there, it is not their primary residence, and
5 they are trying to get over on you, you actually
6 have the right to go to court and push for an
7 eviction.

8 And in fact, in New York City
9 98 percent of the time you have a lawyer who will
10 go and help you do that. While, in New York
11 City, 98 percent of the time tenants don't have
12 lawyers and they face proceedings in
13 Housing Court without assistance.

14 Now, the landlord can use a
15 plethora of possible evidence to show that I'm
16 not living where I say I live. The dilemma, if
17 this bill were to become law, it would shift from
18 a series of things landlords could and would need
19 to prove, but also a series of things that a
20 court could take into consideration to recognize
21 that the person does in fact live in the
22 apartment -- it would shift that dynamic,
23 Mr. President, and the only things that would be
24 used as evidence is did they file a tax return
25 and/or did they vote somewhere else.

1 Well, there are lots of problems
2 with that, as my good colleague Senator Espaillat
3 tried to point out. And he was talking about
4 people who failed to pay their taxes. But I'd
5 like to talk about the people who aren't
6 obligated to pay taxes. Why? Because they don't
7 owe any taxes. So we don't obligate you to file
8 a tax return if you don't owe the state or
9 federal government money.

10 Now, I often would tell people,
11 there might be a good chance we owe you money,
12 something called the Earned Income Tax Credit,
13 and there's an advantage to filing tax returns
14 even if you don't owe any money. But there's no
15 legal obligation to file a tax return if you
16 don't owe the government money; i.e., you're very
17 low-income.

18 But that's a huge number of people
19 who live in rent-regulated and rent-controlled
20 apartments in my city, because the average
21 household, the median income in rent-regulated
22 housing is only \$36,000 per family per year.
23 Which means a lot of people earn a lot less than
24 \$36,000 a year who are living in rent-regulated,
25 rent-controlled apartments, and in fact many of

1 them have no legal obligation to file taxes.

2 They might or might not vote. I
3 wish more low-income people voted, but lots of
4 them don't vote. So it's not even a question of
5 voting in the wrong place, it's voting at all.

6 In today's world, lots of people
7 living in rent-regulated housing are
8 participating in the military, and so they won't
9 be voting in their ED, they'll be voting by
10 absentee ballot through the military system. So
11 they won't be voting where their residence is.

12 Unfortunately, some people have to
13 travel far for temporary work today, because the
14 unemployment rate is so high, so there's all
15 kinds of reasons people might be away from home
16 for an extended period of time -- doing their
17 military duty; being a student, as I heard from
18 Senator Espaillat in his questioning -- and
19 frankly having no obligation to file a tax
20 return.

21 So under the current law, there are
22 many ways to prove this is not my primary
23 residence and to evict me if in fact I am not
24 living there.

25 But to imagine reversing the policy

1 where any number of types of documents can be
2 used by both sides in a legal argument to make a
3 decision or to help a judge make the right
4 decision in an eviction proceeding, and narrow it
5 down to simply is there a tax return from this
6 address or did somebody vote from this address --
7 these are, to be honest, two of the most
8 difficult things for some people to be able to go
9 into court to prove because they didn't have to
10 file tax returns and they might not have voted
11 from the specific ED/AD where they are living,
12 all perfectly legally.

13 And I would hate to imagine we
14 would leave our judges and our court system no
15 options but to actually find in favor of an
16 eviction when there was perhaps a plethora of
17 data and evidence that these people lived in the
18 apartments and should not be evicted. I'm urging
19 all my colleagues to vote no.

20 Thank you, Mr. President.

21 ACTING PRESIDENT GRIFFO: Thank
22 you, Senator Krueger.

23 Senator Rivera.

24 SENATOR RIVERA: Thank you,
25 Mr. President. On the bill.

1 ACTING PRESIDENT GRIFFO: Senator
2 Rivera on the bill.

3 SENATOR RIVERA: Thank you,
4 Mr. President.

5 I wanted to add my voice to what my
6 colleagues have already said for a very simple
7 reason. The district that I represent has about
8 72,000 units of rent-stabilized apartments.
9 Which means that after Senator Espaillat's, most
10 of the units that this bill, if it went into
11 effect, would impact are my constituents.

12 The median income of the district
13 that I represent is about \$25,000 a year, so
14 we're obviously talking about even less income a
15 year.

16 And the standards that are set
17 here -- I have many, many concerns with this
18 bill, but the principal one for me is that the
19 fact that it creates a rebuttable presumption.

20 Now, what you're talking about is
21 if you have somebody whose median income is
22 \$25,000 -- and as Senator Krueger pointed out,
23 the great majority of people that go into
24 proceedings where they're potentially being
25 evicted are not represented or don't have an

1 attorney that is maybe not -- that is not a
2 private attorney.

3 So most people that are tenants do
4 not have someone to represent them that has the
5 same experience and the same knowledge as the
6 attorney that represents a landlord.

7 So now you're asking them, in a
8 period of 30 days, through something that might
9 not have been their fault -- I mean, just think
10 about this. My last name is Rivera. Rivera is
11 the Smith of the Puerto Ricans. I think I've
12 said it on this floor many times before. And my
13 full name is Jose Gustavo Rivera. Jose Rivera is
14 the John Smith of the Puerto Ricans. There are
15 many, many thousands of Jose Riveras in the
16 Bronx.

17 And then if one person votes in one
18 place and doesn't vote in another, there's a Jose
19 Rivera here and then a Jose Luis Rivera over
20 there and a Jose Rivera in another part of the
21 Bronx, and all of a sudden you have potentially a
22 rebuttable presumption that this individual did
23 not vote where they said they lived.

24 Now they have 30 days with
25 potentially no attorney to figure out how they're

1 going to keep their home.

2 Now, I certainly am concerned. I
3 certainly would share any concerns that folks
4 have about people taking advantage of something
5 that they should not have access to. But as my
6 colleague pointed out, there are many ways that
7 landlords right now have to be able to process
8 someone if they believe that that person should
9 not live in that apartment and should be evicted.

10 ACTING PRESIDENT GRIFFO: Senator
11 Young, why do you rise?

12 SENATOR YOUNG: Will Senator
13 Rivera yield for a question?

14 ACTING PRESIDENT GRIFFO: Senator
15 Rivera, do you yield?

16 SENATOR RIVERA: Most certainly,
17 Mr. President.

18 ACTING PRESIDENT GRIFFO: Senator
19 Young.

20 SENATOR YOUNG: So I understand
21 your concern about maybe having their vote cast
22 in the wrong district. But basically, under this
23 piece of legislation, that is not an issue.
24 Because what happens is if somebody votes by
25 affidavit, it's counted in the right district.

1 So they wouldn't have to go to court.

2 But I'd like to ask you a
3 question.

4 If somebody is living in a
5 rent-regulated apartment and they vote in
6 Nassau County, for example, and that's the place
7 where they cast their vote, there's no
8 question -- you know, obviously that's not the
9 Bronx, for example -- should they be able to have
10 a rent-regulated apartment?

11 SENATOR RIVERA: Through you,
12 Mr. President, the problem here is that you're
13 creating a rebuttable presumption for that
14 individual. Now they have to prove that they
15 didn't vote in Nassau.

16 I have no idea about the situation
17 that might lead somebody to vote outside of their
18 district. But my question --

19 SENATOR YOUNG: Well, for
20 example --

21 SENATOR RIVERA: Mr. President, if
22 I may just --

23 SENATOR YOUNG: For example, if
24 they own a house in Nassau County and they're
25 registered to vote in Nassau County and that's

1 what they do, do you think that they should still
2 get the benefits of a rent-regulated apartment?

3 That's my question, Senator Rivera.

4 SENATOR RIVERA: Through you,
5 Mr. President. I do not believe that that is the
6 reality of the great majority of people that have
7 rent-stabilized apartments.

8 And if you're talking about
9 somebody not being able to live in a
10 rent-stabilized apartment, I don't necessarily
11 believe that there's a standard by which
12 somebody's income -- the majority of people that
13 live in it are not people that are wealthy at
14 all.

15 My main problem is the fact that
16 there's things that might not be their fault,
17 that they have to go now to court to figure out
18 how to prove if they didn't do them. And if they
19 don't have the ability to hire someone to protect
20 them in court -- when there already exists many,
21 many ways that a landlord can evict someone from
22 their home. That is my issue with this bill.

23 Now, this hypothetical person that
24 has a house in Nassau and an apartment in the
25 city, I think that if that person is not supposed

1 to be living, you know, in a rent-stabilized
2 apartment, if that is -- I guess your argument is
3 that they should not have access to that
4 rent-stabilized apartment.

5 What I am saying is that the people
6 that are living in rent-stabilized apartments,
7 the people that I represent, the people that
8 Senator Espaillat represents, the people that
9 many folks here in the Democratic side and some
10 folks in the Republican side represent, the
11 majority of them are not folks that would be able
12 to go to court to defend themselves from a
13 rebuttable presumption about whether they filed
14 their taxes in one place or another or whether
15 they voted in the right place.

16 And to establish this as a standard
17 by which a landlord could go to court and say,
18 Now, you have to prove that you didn't do these
19 things or you lose your home, I don't think it's
20 the right thing to do. And it's why I stand so
21 strongly against this piece of legislation.

22 SENATOR YOUNG: Mr. President,
23 will Senator Rivera continue to yield.

24 ACTING PRESIDENT GRIFFO: Senator
25 Rivera, would you continue to take questions?

1 SENATOR RIVERA: Yes,
2 Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator
4 Young.

5 SENATOR YOUNG: Now, you brought
6 up the poor and legal services. But you are
7 familiar that if you're poor in New York State
8 and you need assistance in the courts, you can
9 qualify for legal services; correct?

10 SENATOR RIVERA: Through you,
11 Mr. President. I am absolutely aware of that.

12 But there is a big difference
13 between someone who is a private attorney who has
14 worked for landlords for a very long time and
15 whose job it is to evict people, and to have
16 someone who may have one, two, 15 or 20 cases
17 that they have to deal with as a public
18 defendant. I think that the standards of
19 representation are very different.

20 And most of the people that go to
21 Housing Court that come to my office every single
22 day seeking help on housing issues, the great
23 majority of them do not have representation and
24 don't even know what their rights are.

25 SENATOR YOUNG: Will Senator

1 Rivera continue to yield.

2 ACTING PRESIDENT GRIFFO: Senator
3 Rivera?

4 SENATOR RIVERA: Yes,
5 Mr. President.

6 SENATOR YOUNG: Senator Rivera, I
7 just wanted to ask you the question because I
8 just want to drive the point home. And perhaps
9 you didn't hear me.

10 Earlier we were discussing the fact
11 that if you vote -- use that example again, but
12 if you vote in the wrong election district that
13 you're afraid that the person would have to go to
14 court and they're poor and they might not be able
15 to afford legal services or you don't like the
16 requirement that they may have to prove, because
17 the burden shifts to the tenant, as to whether
18 they actually qualify for that rent-regulated
19 apartment.

20 So my question is, did you, you
21 know, hear what I had to say? Because if
22 somebody fills out an affidavit ballot and votes
23 in the wrong election district by mistake, and
24 it's counted, what happens when you fill out an
25 affidavit is that the Board of Elections actually

1 counts it in the correct election district.

2 So if that's the case, then the
3 person would not even have to go to court because
4 it would be recorded at the Board of Elections in
5 the correct election district.

6 I guess I just wanted to ask you
7 whether you heard that I said that, because that
8 actually I believe answers some of the concerns
9 that you've brought forward.

10 SENATOR RIVERA: Through you,
11 Mr. President, yes, I did hear that.

12 It does not, however, erase the
13 main concern that I have with this bill, in that
14 it establishes a standard that is too high and
15 that in all honesty seeks to replace the
16 standards that already exist if someone wants to
17 be -- if a landlord believes that somebody that
18 is living in an apartment that they own needs to
19 be evicted. There are already many processes
20 that they can go through.

21 And they have to prove beyond a
22 shadow of a doubt -- well, maybe not in that
23 particular legal standard, but they have to prove
24 certain things in court that this would actually
25 change.

1 If I'm not mistaken, this bill
2 establishes that if either of these two things,
3 whether a person filed a tax return in their
4 particular home, right, from that particular
5 address or whether they voted somewhere else that
6 is not the address where the apartment is, if
7 either of these things -- if they're accused of
8 either of these things, then they have 30 days,
9 they receive a letter and it says, Hey, I am the
10 owner of the building that your apartment is in,
11 and you have 30 days to prove in a court of law
12 that you didn't do either of these things that
13 I'm accusing you of or you lose your apartment.

14 If I'm not mistaken, that is what
15 the bill establishes. And I believe that that's
16 a standard that is unacceptable and I would have
17 to strongly oppose.

18 SENATOR YOUNG: Would Senator
19 Rivera continue to yield.

20 ACTING PRESIDENT GRIFFO: Senator
21 Rivera?

22 SENATOR RIVERA: Yes,
23 Mr. President.

24 ACTING PRESIDENT GRIFFO: Senator
25 Young.

1 SENATOR YOUNG: Senator Rivera, I
2 just wanted to ask you if you actually read the
3 provisions of the bill. Because it specifically
4 says if someone is not required by law to file
5 income taxes, then this particular law would not
6 apply. And I guess I was wondering if you had
7 actually read that part of the bill.

8 Because actually what this bill
9 does is it says those who do not have to file a
10 tax return would not be subject to the rebuttable
11 presumption. I just wanted to ask if you'd
12 noticed that part of the bill or not.

13 SENATOR RIVERA: Through you,
14 Mr. President. Yes, I have, but that is not what
15 we are arguing.

16 If the owner of the apartment
17 building says you have filed taxes in another
18 address that is not your own, then you have 30
19 days to prove that this accusation that I'm
20 making against you is not accurate, or you are
21 losing your apartment.

22 So I am not speaking about the
23 folks -- like some of the folks that my colleague
24 Senator Krueger was pointing out, the folks that
25 don't have to file taxes because they fall within

1 a certain income bracket.

2 What I am saying is that those who
3 do have to file taxes and have filed taxes, if
4 there is an accusation that is made against them
5 that they have filed taxes using another
6 address -- I believe that is what the bill says,
7 if there is a tax return that is filed in a
8 particular place or I make the accusation that
9 you as a tenant in my rent-regulated apartment in
10 the building that I own, you have filed taxes and
11 you've used another address and not the one that
12 you're living in -- then you have 30 days to
13 prove to a court that that's not the case or
14 you'll lose your apartment.

15 And one more thing I just wanted to
16 quickly say. There's no obligation that tenants
17 have representation. Do they have access to it?
18 A lot of times they have access to some level of
19 representation, but there's no obligation of the
20 courts that they have it.

21 SENATOR YOUNG: Through you,
22 Mr. President, would Senator Rivera continue to
23 yield.

24 ACTING PRESIDENT GRIFFO: Senator
25 Rivera?

1 SENATOR RIVERA: Yes,
2 Mr. President.

3 SENATOR YOUNG: So, Senator
4 Rivera, I just wanted to make sure that you
5 understood the part of the bill that talks about
6 you actually have to have proof, as a landlord,
7 in order to file some kind of action. Do you
8 understand that part of the bill?

9 SENATOR RIVERA: Through you,
10 Mr. President --

11 ACTING PRESIDENT GRIFFO: Senator
12 Rivera.

13 SENATOR RIVERA: -- yes, I do.
14 And you can present certain things to the court
15 and say that they're proof if -- I would invite
16 you, in all honesty, Senator Young, to come down
17 to the Housing Court in the Bronx one afternoon
18 and just talk to five or 10 people at random,
19 some of the tenants that come to my office that
20 tell me about some of the issues that they have
21 right now in court and about some of the
22 arguments that landlords have made against them.

23 I'm not saying there are not bad
24 tenants anywhere, but I am saying that in the
25 current environment -- and again, this would

1 impact the people that I represent. And I'm just
2 talking about the folks that come into my office
3 every single day talking to me about the issues
4 that they have with whether they can stay in
5 their home or not.

6 And the arguments made against them
7 in court right now, there have been many cases in
8 which landlords have no proof of the things that
9 they're arguing, and yet they're pushing them to
10 make some sort of arrangement -- sometimes they
11 even push them out of their homes because they
12 don't know exactly what their rights are and they
13 don't have any knowledge or money to be able to
14 hire someone to defend them against some of the
15 things that are happening.

16 And to create this particular
17 standard which would add some ammunition to the
18 bad landlords -- because one more thing I'd like
19 to say certainly for the record. I know many
20 great landlords. I am very lucky to be living in
21 an apartment in a rent-regulated unit right now
22 that has a great landlord. And I know many of
23 them that operate all across the Bronx.

24 But to allow bad landlords who are
25 already figuring out how to flip apartments to

1 make the market great, to then be able to make
2 some more money on those apartments and get
3 people that can't afford to live anywhere else
4 and try to push them out -- and it happens every
5 single day in the Bronx. I would invite you to
6 come down.

7 And to take this, to create this
8 standard which again would create a rebuttable
9 presumption -- which most people in there would
10 have no idea what it is -- and yet you're saying
11 that they have 30 days to prove whether it's not
12 accurate and then they would be out of their
13 homes, I don't think that that's acceptable.

14 SENATOR YOUNG: Would Senator
15 Rivera continue to yield.

16 ACTING PRESIDENT GRIFFO: Senator
17 Rivera?

18 SENATOR RIVERA: Yes,
19 Mr. President.

20 ACTING PRESIDENT GRIFFO: Senator
21 Young.

22 SENATOR YOUNG: Senator Rivera, I
23 just wanted to ask you the question, because it's
24 covered under this legislation. But say for
25 example -- and again, this happens. And one

1 notable case is Faye Dunaway, who was a very
2 notorious case recently, who was actually living
3 in California, had her driver's license in
4 California, was actually voting in California,
5 but she had a rent-regulated apartment that she
6 had for a number of years.

7 So to say this doesn't happen, I
8 mean, there's just one case. And there's many,
9 many cases.

10 But say, for example, somebody has
11 a nice home in Columbia County and they're taking
12 a STAR property tax benefit on that home in
13 Columbia County, yet they still have a
14 rent-regulated apartment in New York City.
15 Should that person be able to keep their
16 rent-regulated apartment, or should that
17 rent-regulated apartment be opened up so that it
18 can go to somebody who actually needs affordable
19 housing?

20 SENATOR RIVERA: Through you,
21 Mr. President. A couple of things.

22 Number one, once a person is
23 evicted from an apartment that is rent-regulated,
24 then certain rules apply as to how much the rent
25 can go up depending on the type of investments

1 that are made in the apartment, et cetera, which
2 might make that apartment which was rent-
3 regulated non-rent-regulated as soon as that
4 person moves out. That's number one.

5 And my concern has always been to
6 maintain the certain population that we have of
7 rent-stabilized and rent-regulated apartments.
8 Number one.

9 Number two, related to this
10 particular case, if I may ask the Senator to
11 yield for one quick question of clarification on
12 what she posited.

13 ACTING PRESIDENT GRIFFO: Senator
14 Rivera, you have the floor, actually. So Senator
15 Young -- have you completed answering her
16 question?

17 SENATOR RIVERA: Okay, I'll figure
18 out how to -- okay.

19 On the issue that you just
20 mentioned, I am not aware of that particular case
21 of Ms. Dunaway. But if there is a case of
22 somebody who has that situation, an actress or a
23 famous person or somebody who has a nice home
24 elsewhere, well, that certainly can cover a very
25 small section of who this would actually cover.

1 So you're not specifying those --
2 you might be using that as certainly the people
3 that you might want to target, but unfortunately
4 this is too broad. And it doesn't just target
5 the Faye Dunaways of the world. It targets many,
6 many, many more people who, again, through
7 something that they might not have done, they are
8 accused of filing taxes from their primary
9 residence or they are accused of saying they
10 voted elsewhere, not in the place that they are
11 in the rent-stabilized apartment, and all of a
12 sudden they find themselves in this category.

13 So although there might be
14 certainly Faye Dunaways, we're talking about
15 these right here. The great majority of people
16 that live in my district that reside in
17 rent-stabilized apartments don't fit that
18 category.

19 And therefore, to establish a
20 category that is so broad and therefore give
21 something to landlords which they can really use
22 to kick people out or to make them fear even
23 staying in their apartments, again, I just don't
24 think it's the right way to go.

25 SENATOR YOUNG: Thank you,

1 Mr. President. I'll make some remarks in a
2 moment.

3 ACTING PRESIDENT GRIFFO: Thank
4 you, Senator Young.

5 Senator Rivera, would you like to
6 conclude on the bill?

7 SENATOR RIVERA: Yes. Yes, I
8 would.

9 I just wanted to first of all thank
10 you, Senator Young, for our lively debate.

11 I'll just conclude by saying the
12 following. As I've stated more than a few times
13 during this debate, my concern is this bill would
14 impact thousands and thousands of families that
15 live in my district. And there are already ways,
16 many ways in which landlords can seek to evict
17 people from their homes, and they do so every
18 single day in the Bronx.

19 Are there bad tenants?
20 Absolutely. But to create a standard which gives
21 a new set of weapons to landlords to be able to
22 get people out of their homes I believe is very
23 problematic. Because eventually what it does is
24 it takes some of these units that are protected
25 and they are eventually pushed completely out of

1 rent regulation or rent stabilization.

2 In the housing crisis that we have
3 right now in the Bronx and in the State of
4 New York, I believe it is the wrong way to go.
5 And I am very, very strongly opposed to this
6 piece of legislation.

7 Thank you so much, Mr. President.

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

10 Is there any other Senator wishing
11 to be heard?

12 Seeing none, hearing none, I call
13 on Senator Young to close debate.

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

16 It certainly has been an
17 interesting debate today. And I certainly
18 appreciate the concerns of my colleagues. But
19 there are several things that I'd like to point
20 out.

21 Senator Rivera talked about the
22 fact that he thinks someone would be evicted from
23 their apartment within two weeks. That's not the
24 case under this legislation. Actually, there is
25 a 30-day notice, and that 30-day notice is only

1 to the tenant. It does not even mean that they
2 would go to court in 30 days. So that statement,
3 while well-intentioned, actually isn't true.

4 The statements about whether
5 someone votes in the wrong district, whether that
6 would have them immediately evicted, those
7 statements are not true.

8 Basically, what this bill does is
9 to make sure, when someone receives the benefits
10 of a rent-regulated apartment, that they actually
11 qualify for those benefits.

12 You talk about the shortage of
13 housing in New York City. I'm concerned about
14 that. I want people to have affordable housing.
15 However, when you have someone who has a luxury
16 house, for example, in Florida where they're
17 getting homestead benefits, maybe has a nice
18 house upstate, they're getting the STAR benefits,
19 maybe they're voting on Long Island, they're
20 still getting a rent-regulated apartment -- those
21 situations are wrong and I would think that we
22 would all agree on that point.

23 Those situations are wrong because
24 they actually take away rent-regulated apartments
25 from those who really need them.

1 And so those who actually say this
2 is a bad bill, I think that you're defending the
3 indefensible. Because we need to work on this
4 issue. We need to make sure that those receiving
5 these benefits actually do qualify. We don't
6 want people ripping off the system because that
7 hurts everyone else.

8 So I would urge all of my
9 colleagues in the State Senate to vote yes on
10 this piece of legislation.

11 Thank you, Mr. President.

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

14 Debate is closed. The Secretary
15 will ring the bell.

16 Read the last section.

17 THE SECRETARY: Section 4. This
18 act shall take effect immediately.

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Senator
23 Krueger to explain her vote.

24 SENATOR KRUEGER: Thank you.

25 Just in closing, I don't disagree

1 with Senator Young. I'm voting against her bill,
2 but certainly people who are ripping off the
3 system shouldn't stay in their apartments.

4 The good news is we already have a
5 system in place where landlords can evict people
6 from rent-regulated apartments when they don't in
7 fact live there. It's a problem that has a
8 solution. Faye Dunaway is no longer in that
9 apartment. Somebody who's living in an upstate
10 house and getting a STAR rebate as their primary
11 residency, the lawyer will win the case against
12 them.

13 We want to make sure we don't
14 change the law so that huge numbers of poor
15 people without lawyers get trapped in a situation
16 where they lose their home without having done
17 anything wrong.

18 Thank you, Mr. President.

19 ACTING PRESIDENT GRIFFO: Senator
20 Krueger to be recorded in the negative.

21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar Number 602, those recorded in the
24 negative are Senators Adams, Addabbo, Avella,
25 Diaz, Dilan, Duane, Espaillat, Gianaris,

1 Hassell-Thompson, Kennedy, Klein, Krueger,
2 Montgomery, Oppenheimer, Parker, Peralta,
3 Perkins, Rivera, Sampson, Savino, Serrano,
4 Squadron, Stavisky and Stewart-Cousins.

5 Absent from voting: Senators
6 Bonacic and Breslin.

7 Ayes, 33. Nays, 24.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 603, by Senator Young, Senate Print 5152, an act
13 to amend the Administrative Code of the City of
14 New York.

15 ACTING PRESIDENT GRIFFO: Senator
16 Krueger.

17 SENATOR KRUEGER: Thank you. I'd
18 like to speak on the bill, Mr. President.

19 ACTING PRESIDENT GRIFFO: Senator
20 Krueger on the bill.

21 SENATOR KLEIN: Well, we've done
22 this bill as well. This is a bill that would
23 allow owners to claim they need immediate
24 occupancy of rent-controlled apartments.

25 Now, the previous bill was about

1 rent stabilization and rent control. When we get
2 to rent control, we're talking about
3 households with an average median income of
4 \$25,000, a lower-income population. And guess
5 what? Statistically, they're all elderly. The
6 35,000 to 40,000 people left in rent-controlled
7 apartments in the State of New York are elderly
8 and poor. That's the universe.

9 This bill would allow owners to
10 more easily evict elderly, poor people from their
11 rent-controlled apartment because they want to
12 claim they have an imminent need to live there
13 themselves.

14 I have buildings in my own
15 district, Mr. President, where owners have
16 claimed they need the entire building, made up of
17 22 apartments, for imminent personal use. This
18 is simply not acceptable.

19 The existing law is not acceptable,
20 and this law would make it even easier to evict
21 rent-controlled elderly, poor, statistically
22 women, because it is in fact women who are
23 statistically the elderly poor.

24 So I object strongly to making it
25 easier to evict elderly poor women throughout the

1 State of New York. I vote no.

2 Thank you, Mr. President.

3 ACTING PRESIDENT GRIFFO: Senator
4 Young.

5 SENATOR YOUNG: Thank you,
6 Mr. President. Just on the bill.

7 ACTING PRESIDENT GRIFFO: Senator
8 Young on the bill.

9 SENATOR YOUNG: While I appreciate
10 Senator Krueger's concerns, I do want to point
11 out that this particular bill does not apply if
12 the tenant is older than 62 years of age. So
13 while I appreciate her concerns about the
14 elderly -- I share those same concerns about
15 senior citizens -- this bill specifically states
16 that it does not apply to someone if they were
17 62 years of age or older.

18 Basically, what it does is take
19 rent-controlled apartments and bring them in line
20 with the rent stabilization laws. This is all
21 about private property rights. This is all about
22 being able to -- for example, if you have a
23 family member you'd like to have move into your
24 building that you own as an owner, you'd be able
25 to do so.

1 So again, thank you, Senator
2 Krueger, for bringing up that concern. I just
3 want to put your fears at rest. This bill would
4 not apply in those situations.

5 I would urge a vote for this bill.
6 Thank you.

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

9 Seeing none, hearing none, debate
10 is closed. The Secretary will ring the bell.

11 Read the last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT GRIFFO: Senator
18 Squadron to explain his vote.

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

21 In addition to the argument that
22 has been put forth by Senator Krueger and the
23 ways in which this creates a loophole in the law,
24 there's in fact a bill I carry, S81, that would
25 close the existing loopholes on personal use.

1 And I've got to tell you, if you
2 think that they aren't a problem, you should come
3 down and visit my district, because we have seen
4 Mack trucks driven through this loophole again
5 and again in my district and have lost
6 rent-regulated housing, have lost people's homes,
7 with all sorts of, frankly, personal-use
8 evictions that simply don't make sense.

9 That's why I can't in good
10 conscience vote for this bill. I wish we could
11 have been debating S81, closing that loophole.
12 It's one that's just cost too many homes.

13 I vote no, Mr. President.

14 ACTING PRESIDENT GRIFFO: Senator
15 Squadron is to be recorded in the negative.

16 Senator Young to explain her vote.

17 SENATOR YOUNG: Thank you,
18 Mr. President.

19 This actually is a very good piece
20 of legislation. It limits the rights of
21 succession to just one time. Oftentimes people
22 game the system and they go on for generations
23 where they actually are in a rent-regulated
24 apartment inappropriately, they move in.

25 So this is a way to, again, open up

1 those apartments to people who truly need them.
2 I would urge all of my colleagues to vote yes on
3 this bill.

4 Thank you.

5 ACTING PRESIDENT GRIFFO: Senator
6 Young to be recorded in the affirmative.

7 Senator Rivera to explain his vote.

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

10 The reason we have rent
11 stabilization, the reason we have rent control is
12 to protect tenants from folks that might want to
13 just kick them out of their apartment.

14 To approve this bill and make it
15 into law would open up -- you talk about Mack
16 trucks, Senator Squadron? Let's talk about an
17 armada just driving through. Basically saying if
18 I own a building, I can then take over this
19 apartment for whatever use I think I need to
20 have. Then all of a sudden the people will be
21 evicted, they will no longer be living at home.

22 I think this would really just
23 allow owners to just take rent-regulated tenants
24 without just cause and evict them left, right and
25 center. I believe it is a horrible piece of

1 legislation which, again, would impact thousands
2 of families in my district. I urge my colleagues
3 to vote in the negative, and I do so as well.

4 Thank you, Mr. President.

5 ACTING PRESIDENT GRIFFO: Senator
6 Rivera to be recorded in the negative.

7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar Number 603, those recorded in the
10 negative are Senators Adams, Addabbo, Avella,
11 Diaz, Dilan, Duane, Espaillat, Gianaris,
12 Hassell-Thompson, Krueger, Montgomery,
13 Oppenheimer, Parker, Peralta, Perkins, Rivera,
14 Sampson, Serrano, Squadron, Stavisky, and
15 Stewart-Cousins.

16 Absent from voting: Senators
17 Breslin, Bonacic and Hannon.

18 Ayes, 34. Nays, 21.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 I would ask members to please
22 remain in the chamber or near the chamber,
23 please.

24 The Secretary will continue to
25 read.

1 THE SECRETARY: Calendar Number
2 604, by Senator Young, Senate Print 6472, an act
3 to amend the Administrative Code of the City of
4 New York.

5 ACTING PRESIDENT GRIFFO: Senator
6 Krueger.

7 SENATOR KRUEGER: Thank you,
8 Mr. President. On the bill.

9 ACTING PRESIDENT GRIFFO: Senator
10 Krueger on the bill.

11 SENATOR KRUEGER: Thank you.

12 And I appreciate -- I know that the
13 Senator would be happy to answer questions, but
14 because of the time moving on, I am simply going
15 to speak on the bill.

16 This is also a bill I would urge my
17 colleagues to reject. This is a bill that upon
18 death or absence of the leaseholder on the
19 apartment, any other family members continuing to
20 remain there would be treated as if they were new
21 tenants with the requirement for them to pay the
22 new increased rent. Which can be, under current
23 law, a 20 percent vacancy increase plus a formula
24 based on the number of years of the previous
25 leaseholder.

1 So in a situation where I was a
2 22-year-old who had grow up in this apartment and
3 my mother died and she was the leaseholder, I
4 would have the right to remain in the apartment
5 but be treated under the math formula that could
6 result in a 30 percent increase in rent simply
7 because the lease was changing to my name after
8 my mother deceased.

9 This would absolutely drive large
10 numbers of people out of their homes quickly
11 because they could not possibly afford that level
12 of an increase.

13 Now, the other part of this bill,
14 if in fact they could remain, even though there
15 would be an enormous increase in their rent
16 immediately, there would be no continued
17 succession rights, it would simply be a one-time
18 opportunity.

19 And in fact it is extremely common
20 in rent-regulated units for children not to be on
21 the lease of parents even when they become
22 adults; significant others not necessarily being
23 on the lease -- because in a scenario where I had
24 the apartment, then I got married and then my
25 husband joined me in the apartment, it is very

1 possible he would not be on the lease and only at
2 the time that I was deceased, he continued to
3 live there, could he also face the exact same
4 situation. Nothing changed as far as the
5 apartment or the primary residence, but -- I'm
6 sorry, Mr. President. It's getting a little loud
7 behind me.

8 ACTING PRESIDENT GRIFFO: Can we
9 have some order, please.

10 SENATOR KRUEGER: Thank you.
11 That this would result in rapid
12 increases in rent for people who didn't change
13 their housing situation and the landlord didn't
14 take on any new repairs or expansions or
15 improvements in the apartment. It would simply
16 say if somebody who's been living there with
17 their name on the lease is no longer there, even
18 though if everything else stays the same in that
19 apartment for the people living there, there
20 would be an automatic dramatic increase in their
21 rent.

22 I don't believe that this bill is
23 justified. I hope people will vote no.

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator Krueger.

2 Is there any other Senator wishing
3 to be heard?

4 Seeing none, hearing none, debate
5 is closed. The Secretary will ring the bell.

6 Read the last section.

7 THE SECRETARY: Section 6. This
8 act shall take effect immediately.

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT GRIFFO: Senator
13 Young to explain her vote.

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

16 I would just like to urge my
17 colleagues to vote in favor of this piece of
18 legislation. It actually limits the right of
19 succession to a one-time situation on a
20 rent-regulated housing apartment.

21 This is very important, because we
22 believe -- the people who vote yes on this
23 believe in private property rights, people being
24 able to do what they want on their own property
25 and not having the government interfere with it.

1 So basically what we're saying is
2 that if you have a rent-regulated apartment, it's
3 not an inheritance, it's not a God-given right
4 that you can have that rent-regulated apartment
5 in your family for generations and generations to
6 come.

7 Because as I stated before, we have
8 a housing shortage in New York City. If we
9 continue the bad policies of having continued
10 succession rights, then basically what happens is
11 it exacerbates the housing problem and the
12 housing shortage that we are experiencing.

13 So I would urge my colleagues to
14 vote yes on this piece of legislation. There are
15 protections in place for people, but it's not a
16 God-given right to an inheritance to have a
17 rent-regulated apartment.

18 ACTING PRESIDENT GRIFFO: Senator
19 Young to be recorded in the affirmative.

20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar Number 604, those recorded in the
23 negative are Senators Adams, Addabbo, Avella,
24 Diaz, Dilan, Duane, Gianaris, Hassell-Thompson,
25 Krueger, Montgomery, Oppenheimer, Parker,

1 Peralta, Perkins, Rivera, Sampson, Serrano,
2 Squadron, Stavisky and Stewart-Cousins.

3 Absent from voting: Senators
4 Bonacic, Breslin and Espaillat.

5 Ayes, 36. Nays, 20.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 717, by Senator Golden, Senate Print 1987, an act
11 to amend the Social Services Law.

12 ACTING PRESIDENT GRIFFO: Senator
13 Squadron.

14 SENATOR SQUADRON: If the sponsor
15 would yield for a question.

16 ACTING PRESIDENT GRIFFO: Can I
17 have some order, please, in the chamber.

18 Senator Golden, do you yield?

19 SENATOR GOLDEN: I do indeed,
20 Mr. President.

21 ACTING PRESIDENT GRIFFO: Senator
22 Squadron.

23 SENATOR SQUADRON: Thank you very
24 much.

25 I certainly appreciate the

1 sponsor's goals in this bill to do everything we
2 possibly can for so-called deadbeat dads,
3 deadbeat parents who don't meet their child
4 support obligations. It is beyond unacceptable.
5 It's destructive for children and for the
6 custodial parent. So the goal makes a great deal
7 of sense.

8 I just want to ask, on this very
9 public website that would be available to anyone
10 out there who had access to the Web, what
11 information about a deadbeat parent who didn't
12 pay child support would be available?

13 SENATOR GOLDEN: Mr. President,
14 the list that would be made available would be a
15 general list: the names and the last known
16 address of the individual; the owing of the
17 dollars that are owed to the children; the
18 physical description of such an individual; a
19 photograph, if the individual's photograph is
20 available; the individual's occupation; the
21 amount of any child support; the number of
22 children who support is owed to; and the
23 information deemed appropriate by the OTDA, or
24 the Office of Temporary and Disability
25 Assistance.

1 SENATOR SQUADRON: If the sponsor
2 would continue to yield.

3 ACTING PRESIDENT GRIFFO: The
4 sponsor yields.

5 SENATOR GOLDEN: Yes,
6 Mr. President.

7 SENATOR SQUADRON: So in other
8 words, what this would do is it would put sort of
9 all the information you would need to know who
10 the parent is that is not meeting their child
11 support obligations?

12 SENATOR GOLDEN: I'm sorry,
13 Mr. President. Please -- the question again.

14 ACTING PRESIDENT GRIFFO: Repeat
15 the question, Senator Squadron.

16 SENATOR SQUADRON: In other words,
17 what this bill would do is it would make
18 available to the general public all the
19 information necessary to know who the parent not
20 paying child support is.

21 SENATOR GOLDEN: That is the
22 purpose of the website, yes, Mr. President.

23 SENATOR SQUADRON: If the sponsor
24 would continue to yield.

25 SENATOR GOLDEN: Yes,

1 Mr. President.

2 ACTING PRESIDENT GRIFFO: The
3 sponsor yields.

4 SENATOR SQUADRON: Is the sponsor
5 of the view that if a child has a parent that
6 isn't paying child support, that it should be
7 made public that that child has a parent not
8 meeting their child support obligations?

9 SENATOR GOLDEN: The child is not
10 made public, Mr. President. And it's against the
11 law to make the child's name available.

12 SENATOR SQUADRON: If the sponsor
13 would continue to yield.

14 SENATOR GOLDEN: Yes,
15 Mr. President.

16 ACTING PRESIDENT GRIFFO: The
17 sponsor yields.

18 SENATOR SQUADRON: When the
19 sponsor says it's illegal to make the child
20 public, under what basis? What's the reference
21 that the sponsor made?

22 SENATOR GOLDEN: Under the OTDA,
23 if you make a person's name available, a child's
24 name available, there is legislation that makes
25 it an A misdemeanor.

1 SENATOR SQUADRON: Thank you very
2 much. On the bill, Mr. President.

3 ACTING PRESIDENT GRIFFO: On the
4 bill.

5 SENATOR SQUADRON: Unfortunately,
6 this bill actually undermines that provision in
7 two ways. It does it both in the way the sponsor
8 described, with the extraordinarily specific
9 information that would be available to anyone who
10 has a mouse and an Internet connection, but it
11 also does it explicitly in the bill. In fact,
12 this bill says any disclosure made by the office
13 in a good-faith effort to comply with this
14 section shall not be considered a violation of
15 any confidentiality Laws.

16 We were talking about loopholes
17 before. This bill literally creates a loophole
18 on confidentiality laws that are designed to
19 protect children from having to wear the scarlet
20 A of their parent's failure. In fact, it is a
21 major exception to extraordinarily important
22 disclosure laws designed to protect children from
23 their parent's failures.

24 Look, as I said at the beginning,
25 deadbeat parents absolutely should be held to

1 account for that in the most serious ways that we
2 can devise that make sense here.

3 Unfortunately, what this does is it
4 doesn't necessarily hold the parent to account,
5 it holds the child to account. Any student who
6 doesn't like their classmate and knows the
7 classmate has a noncustodial parent can go search
8 online and find out if their parent is one of
9 these deadbeat most-wanted. Any teacher, any
10 other parent in the neighborhood, any neighbor
11 can go on there and figure out this child or this
12 custodial parent is related to one of the most
13 wanted deadbeats in the state.

14 That is absolutely in conflict with
15 the confidentiality laws that the sponsor himself
16 talks about. And then, in addition to making all
17 that information public, it says, hey, forgot
18 about those confidentiality Laws.

19 As I said before, I absolutely
20 appreciate the intent of the sponsor here. I
21 could not be more committed to holding deadbeats
22 accountable for what they're doing. It is
23 extraordinarily destructive to custodial parents
24 and to children when parents do not meet their
25 obligations.

1 However, to put out there every
2 child's identity as easily as this bill would and
3 to create this loophole in confidentiality laws
4 designed to protect children -- which is what
5 this is all about, what I know the sponsor cares
6 about and what I care about -- is to me simply
7 unacceptable. I urge a no vote, Mr. President.
8 Thank you.

9 ACTING PRESIDENT GRIFFO: Thank
10 you, Senator Squadron.

11 Seeing and hearing no other
12 Senator, the debate is closed. The Secretary
13 will ring the bell.

14 Read the last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: Senator
21 Montgomery to explain her vote.

22 SENATOR MONTGOMERY: Yes,
23 Mr. President. I'm reading this memo regarding
24 this legislation, and it's just interesting that
25 Senator Golden's bill, the title is "The Deadbeat

1 Dad Most Wanted List."

2 And I'm recalling growing up when
3 there used to be posters on the highway and in
4 the post offices and in various buildings that
5 said "Wanted, Dead or Alive," the "Most-Wanted
6 List."

7 So it attaches a level of
8 criminality. And so I think we certainly, while
9 we want to collect for children from their
10 parents who are responsible for participating in
11 their lives, and the fact that we want both
12 parents to be part of their financial well-being,
13 we certainly don't want to set up, as government,
14 as a legislature, as elected officials, a list of
15 deadbeat dads as if these were criminals and we
16 wanted them dead or alive. We really want them
17 alive and paying for their children.

18 I vote no on this bill.

19 ACTING PRESIDENT GRIFFO: Senator
20 Montgomery to be recorded in the negative.

21 Senator Golden to explain his vote.

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

24 I just want to clarify the reason
25 for this bill. The bill is to get the dollars

1 that are necessary for those children and those
2 homes. We're talking about, in 2009,
3 \$648 million in the State of New York are owed to
4 these children. Just in the City of New York,
5 it's \$317 million. And it's up \$64 million since
6 2003.

7 This has been a successful program
8 in several states, and they've recouped many,
9 many dollars for those children. And the
10 deadbeat parents have come across and paid. So I
11 so vote yes, and I hope that my colleagues would
12 also vote yes.

13 ACTING PRESIDENT GRIFFO: Senator
14 Golden to be recorded in the affirmative.

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar Number 717, those recorded in the
18 negative are Senators Adams, DeFrancisco, Dilan,
19 Duane, Gianaris, Krueger, Montgomery, Parker,
20 Peralta, Perkins, Rivera, Savino, Serrano, and
21 Squadron. Also Senator Hassell-Thompson.

22 Absent from voting are Senators
23 Bonacic, Breslin, Espaillat and Oppenheimer.

24 Ayes, 40. Nays, 15.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 893, by Senator Hannon, Senate Print 7330, an act
5 to amend the Public Health Law.

6 ACTING PRESIDENT GRIFFO: Senator
7 Squadron, why do you rise?

8 SENATOR SQUADRON: Mr. President,
9 I believe there's an amendment at the desk. I
10 ask that the reading of the amendment be waived
11 and that Senator Stewart-Cousins be heard on the
12 amendment.

13 ACTING PRESIDENT GRIFFO: May I
14 have some order, please, in the chamber.

15 Senator Squadron, upon review of
16 the amendment, under Rule 6, Section 4B, I rule
17 that it is nongermane to the bill in chief.

18 SENATOR SQUADRON: Mr. President,
19 I appeal the ruling of the chair and ask that
20 Senator Stewart-Cousins be heard on the appeal in
21 order to explain the germaneness of her
22 amendment.

23 ACTING PRESIDENT GRIFFO: Thank
24 you, Senator Squadron.

25 There's an request for an appeal of

1 the ruling of the chair. I recognize Senator
2 Stewart-Cousins.

3 SENATOR STEWART-COUSINS: Thank
4 you, Mr. President.

5 I believe that the amendment at the
6 desk is germane for the following reasons. The
7 amendment that I offer today strengthens Senator
8 Hannon's bill by adding the Reproductive Health
9 Act, which will remove the regulation of abortion
10 from the criminal laws and put it into the Public
11 Health Law, where all other health services are
12 regulated.

13 New York's reproductive health laws
14 are outdated and inadequate. As a result, my
15 amendment would ensure that a woman can make her
16 own personal, private healthcare decisions
17 especially when her health is endangered.

18 Currently, New York law regulates
19 abortion in the Criminal Code and lacks a
20 provision that would enable a woman to access the
21 care if her health was in danger. This amendment
22 would remove the regulation of abortion from the
23 criminal law, put it in the Public Health Law,
24 where all other health services are regulated.

25 The Reproductive Health Act is a

1 common-sense measure. Surveys over the past four
2 years have consistently shown that seven out of
3 10 New York voters, across religious and party
4 lines, want the Reproductive Health Act to become
5 law.

6 This amendment represents one of
7 what we hope would be New York's core values,
8 that a woman should be able to make her own
9 personal, private healthcare decisions.

10 ACTING PRESIDENT GRIFFO: Thank
11 you, Senator Stewart-Cousins.

12 All those in favor of overruling
13 the ruling of the chair signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT GRIFFO:

16 Opposed?

17 Senator Squadron.

18 SENATOR SQUADRON: Show of hands,
19 please.

20 ACTING PRESIDENT GRIFFO: Senator
21 Squadron has requested a show of hands, and it is
22 so ordered.

23 Announce the results.

24 THE SECRETARY: Ayes, 19.

25 ACTING PRESIDENT GRIFFO: The

1 ruling of the chair is sustained.

2 The bell has already been rung.

3 The Secretary will read the last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 55.

10 Absent from voting: Senators
11 Bonacic, Breslin, Espaillat and Oppenheimer.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 SENATOR LIBOUS: Mr. President,
15 can we return to motions.

16 ACTING PRESIDENT GRIFFO:
17 Returning to motions.

18 SENATOR LIBOUS: On behalf of
19 Senator O'Mara, I move that the following bill be
20 discharge from its respective committee and be
21 recommitted with instructions to strike the
22 enacting clause. That would be Senate Print
23 6779.

24 ACTING PRESIDENT GRIFFO: So
25 ordered.

1 SENATOR LIBOUS: Mr. President, is
2 there any further business at the desk?

3 ACTING PRESIDENT GRIFFO: There is
4 no further business before the desk, Senator
5 Libous.

6 SENATOR LIBOUS: Thank you,
7 Mr. President and my colleagues.

8 There being no further business at
9 the desk, I move that the Senate will adjourn
10 until Wednesday, June 6th, at 11:00 a.m.

11 ACTING PRESIDENT GRIFFO: On
12 motion, the Senate stands adjourned until
13 Wednesday, June 6th, at 11:00 a.m.

14 Senate adjourned.

15 (Whereupon, at 6:27 p.m., the Senate
16 adjourned.)

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