

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 June 6, 2012

11 11:10 a.m.

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13
14 REGULAR SESSION

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18
19 SENATOR JOSEPH ROBACH, Acting President

20 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask everyone present to please
5 rise and repeat with me the Pledge of
6 Allegiance.

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

9 ACTING PRESIDENT ROBACH: In the
10 absence of clergy, may we please now bow our
11 heads in a moment of silence.

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

14 ACTING PRESIDENT ROBACH: The
15 reading of the Journal.

16 Senator Libous.

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

19 Before we read the Journal, I
20 would like all members and folks in the
21 gallery to stand and join me for a moment of
22 silence. Today is the 68th anniversary of
23 D-Day, and I think we should pause and reflect
24 on the men who gave their lives so that we
25 could be free and be here today.

1 So if we could have a moment of
2 silence for the 68th anniversary of D-Day.

3 ACTING PRESIDENT ROBACH: We
4 will have a moment of silent reflection for
5 all those who sacrificed at D-Day in
6 World War II.

7 (Whereupon, the assemblage rose
8 and respected a moment of silence.)

9 ACTING PRESIDENT ROBACH: The
10 reading of the Journal.

11 THE SECRETARY: In Senate,
12 Tuesday, June 5th, the Senate met pursuant to
13 adjournment. The Journal of Monday, June 4th,
14 was read and approved. On motion, Senate
15 adjourned.

16 ACTING PRESIDENT ROBACH:
17 Without objection, the Journal stands approved
18 as read.

19 Presentation of petitions.

20 Messages from the Assembly.

21 The Secretary will read.

22 THE SECRETARY: On page 32,
23 Senator Stewart-Cousins moves to discharge,
24 from the Committee on Local Government,
25 Assembly Bill Number 9292 and substitute it

1 for the identical Senate Bill Number 6460,
2 Third Reading Calendar 556.

3 On page 38, Senator Martins moves
4 to discharge, from the Committee on Local
5 Government, Assembly Bill Number 9816 and
6 substitute it for the identical Senate Bill
7 Number 6929, Third Reading Calendar 697.

8 On page 44, Senator Marcellino
9 moves to discharge, from the Committee on
10 Finance, Assembly Bill Number 9454 and
11 substitute it for the identical Senate Bill
12 Number 6195, Third Reading Calendar 804.

13 On page 48, Senator Robach moves
14 to discharge, from the Committee on Health,
15 Assembly Bill Number 9948 and substitute it
16 for the identical Senate Bill Number 7062,
17 Third Reading Calendar 875.

18 On page 49, Senator LaValle moves
19 to discharge, from the Committee on Local
20 Government, Assembly Bill Number 8843B and
21 substitute it for the identical Senate Bill
22 Number 6058B, Third Reading Calendar
23 903.

24 On page 50, Senator LaValle moves
25 to discharge, from the Committee on Local

1 Government, Assembly Bill Number 9660 and
2 substitute it for the identical Senate Bill
3 Number 6800, Third Reading Calendar 908.

4 And on page 55, Senator Robach
5 moves to discharge, from the Committee on Labor,
6 Assembly Bill Number 10076 and substitute it for
7 the identical Senate Bill Number 7389, Third
8 Reading Calendar 960.

9 ACTING PRESIDENT ROBACH:
10 Substitutions ordered.

11 Messages from the Governor.

12 Reports of standing committees.

13 Reports of select committees.

14 Communications and reports from
15 state officers.

16 Motions and resolutions.

17 Senator Libous.

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

20 There's a resolution at the desk by
21 Senator Griffo, Number 4115. It was previously
22 adopted by this house on April 26th. Could we
23 have please have the title read and call on
24 Senator Griffo at this time.

25 ACTING PRESIDENT ROBACH: The

1 Secretary will read.

2 THE SECRETARY: Legislative
3 Resolution Number 4115, by Senator Griffo,
4 congratulating the St. Lawrence Thunder Bantam 14
5 and under Boys Hockey Team upon the occasion of
6 capturing the New York State Tier II
7 Championship.

8 ACTING PRESIDENT ROBACH: Senator
9 Griffo.

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

12 We are very fortunate today. We
13 always have that opportunity to welcome people in
14 this chamber, and we've had a lot of great guests
15 this week, but it's always encouraging when we
16 see young people who excel academically and
17 athletically. And today we'll have that
18 opportunity to be recognizing some of the
19 salutatorians and valedictorians from Senator
20 Bonacic's district, as well as these great
21 athletes here.

22 And it gives us great pride to be
23 able to welcome all of you young individuals who
24 are our promise for the future. And we really
25 look forward to all of you continuing to do what

1 you do well, and that is to represent our
2 community. You're an important part of our
3 community in such a special way.

4 I today want to recognize the
5 St. Lawrence Thunder Bantam Hockey Team. They
6 worked very hard all season. They worked
7 together as a team. They were successful in
8 claiming the New York State Tier II
9 Championship. They have an extraordinary group
10 of young men. And they actually went all the
11 ways to the nationals, and they competed and came
12 in second place.

13 But I know that they are very
14 talented and they have really learned a lot
15 throughout the course of the year. Not only do
16 they have great athletic talent, but they also
17 are good students also. And we're proud of
18 them.

19 And we want to recognize the
20 coaches, Coach Bobby Smith, John Hart, and Todd
21 Manning, and also a special mentor that is with
22 them, Mr. Hank Ford, who has been with the team;
23 his grandson plays. But I know he's a great
24 hockey enthusiast, and they've done a lot to
25 continue to support the team.

1 So we want to compliment these
2 young men not only for the title that they won
3 here in New York State and the great effort they
4 put forth nationally, but also for being such
5 outstanding citizens in our community. Even at a
6 young age, all of you are role models, and we
7 appreciate that, that you continue to work well
8 as a team, to learn a lot of things together, and
9 to do things to benefit our community and where
10 you live.

11 So we want to thank you, the
12 players. We recognize you today and applaud your
13 pursuits and your excellence, and we appreciate
14 what you do as young men.

15 I want to thank the coaches, the
16 families, who have all been there to support
17 these young men, and want to congratulate you and
18 welcome you here and extend the courtesies of the
19 house today.

20 ACTING PRESIDENT ROBACH: Senator
21 Ritchie on the resolution.

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

24 I'm pleased to join with Senator
25 Griffo today to welcome all of you to the

1 chamber. Those of you who come from my home
2 county, the players, the coaches, and of course
3 Mr. Ford, I'm pleased to have you down here today
4 and to congratulate you on your great
5 accomplishment.

6 As a former hockey mom, I know how
7 many hours of hard work goes into what you do on
8 the ice rink and how the parents and the families
9 are so committed and dedicated. I remember
10 getting up in the morning at 4 o'clock and going
11 out in a snowstorm to be at the hockey rink for
12 practice at 5:00 in the morning in the freezing
13 cold, and one Saturday getting up early and going
14 to Ottawa for a game in the morning, getting back
15 in the car and driving back to Watertown.

16 So the commitment and dedication of
17 the players and also the families and the coaches
18 is truly amazing.

19 So I want to congratulate you on
20 your outstanding accomplishment this year and
21 certainly am honored to have you down here today.

22 Thank you.

23 ACTING PRESIDENT ROBACH: Thank
24 you.

25 Senator Little on the resolution.

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

3 I would just like to add my
4 congratulations to this team, young hockey
5 players from the North Country. Hockey is big in
6 the North Country, and it's something that most
7 of these young guys started skating when they
8 were 3, 4, 5 years old.

9 And as Senator Ritchie mentioned,
10 this is truly a parent participation sport. It's
11 something that takes lot of effort on the parts
12 of their families, a lot of support on the part
13 of those families. These young guys have played
14 around the North Country, they've played in
15 Canada, and they are well known for their
16 expertise, their skill, and certainly the way
17 they behave and act.

18 So congratulations, and thanks for
19 your effort. Thanks for being here in Albany.

20 ACTING PRESIDENT ROBACH: On
21 behalf of Senator Griffo, Senator Ritchie,
22 Senator Little and all the members, we welcome
23 you, St. Lawrence Thunder Bantam Hockey Team, and
24 applaud you for your great athletic
25 accomplishment and wish you continued success.

1 Welcome to the Senate chamber.

2 Have a good day here in Albany.

3 (Standing ovation.)

4 ACTING PRESIDENT ROBACH: This
5 resolution was previously adopted on April 26th.

6 Senator Libous.

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

9 At this time I would like to call
10 up a resolution at the desk by Senator Bonacic.
11 It would be Number 4943. It was previously
12 adopted by this house on May 31st. Could we
13 please have the resolution read in its entirety
14 and then before its adoption if you could call on
15 Senator Bonacic.

16 ACTING PRESIDENT ROBACH: The
17 Secretary will read.

18 THE SECRETARY: Legislative
19 Resolution Number 4943, by Senator Bonacic,
20 commending the Valedictorians, Salutatorians and
21 Honored Students of the 42nd Senate District, in
22 recognition of their outstanding accomplishments,
23 at a celebration to be held at the State Capitol
24 on June 6, 2012.

25 "WHEREAS, It is the sense of this

1 Legislative Body to act in accord with its
2 long-standing traditions, to honor the youth of
3 today -- the leaders of tomorrow -- whose
4 character and achievements exemplify the ideals
5 and values cherished by this great state and
6 nation; and

7 "WHEREAS, This Legislative Body is
8 justly proud to recognize and commend the high
9 achievements of these dedicated students in the
10 42nd Senate District upon the occasion of a
11 special celebratory visit to the State Capitol in
12 Albany, New York, on Wednesday, June 6, 2012. At
13 this time the Valedictorians, Salutatorians and
14 Honored Students who have been selected by their
15 school leadership for outstanding community
16 service will receive special recognition from the
17 Senate in the Senate Chamber; lunch will be
18 served on the 3rd Floor Terrace of the
19 Legislative Office Building, followed by a tour
20 of the State Capitol; and

21 "WHEREAS, These Valedictorians,
22 Salutatorians and Honored Students represent the
23 best of developed potential inherent in our most
24 precious resource, our youth. Their achievements
25 have brought enduring honor to their families and

1 communities and should be recognized and saluted;
2 and

3 "WHEREAS, The Valedictorians who
4 are being commended today for their outstanding
5 academic performances and exemplary achievements
6 include: Matthew Armstrong, Katherine Goss,
7 Gabriella Rollo, Joshua Barnhart, Erika Bowring,
8 Tobey Kass, Aaron Schmitt, Kimberly Dildine,
9 Lindsay McGraw, Katherine Heinle, Maggi Calo,
10 Erin Filupeit, Kelly Chu, Erica Concors, Charlton
11 Tsai, Tyler Barringer, Lindsay Buzzelli, Collin
12 Dimler, Samantha Molinari, Angela Perazone,
13 Katharine Greco, Melia Wakeman, Cody Stinson,
14 Robin Ward, Rachel Voorhees, Rebecca Corcillo,
15 Heidi Furman, Erica Restaino, Elisabeth Ogden,
16 and Jace Vansteenburgh; and

17 "WHEREAS, The Salutatorians who are
18 being commended today for their outstanding
19 academic performances and exemplary achievements
20 include: Ashley Terry, Robert Meyerhoff, Justine
21 Bishop, Justin Merrill, Christine Donnelly,
22 Bilqees Rahman, Morgan Vegliante, Jessica
23 Terrano, Brianne Kravetsky, Sydney Goldstein,
24 Nina Zheng, Katelynn Mauro, Matthew O'Connor,
25 Kaitlyn Fisher, Melanie Schmidt, Elena Schaef,

1 Zachary Kondak, Adam Hartell, Courtney Banks,
2 Abigail Wallace, Alexa Abrams, Cassandra Gascon,
3 Madie Decker, Linda Crandall, Shawn Bailey, Jeff
4 Yeung, Olivia Rehm, Teresitta Velez, Matthew
5 Cucciarre, and Angelina Baker; and

6 "WHEREAS, The Honored Students who
7 are being commended today and who have been
8 selected by their school leadership for
9 outstanding school or community service include:
10 Tyler Wood, Anna Padovani, Brian Hazen, Luis
11 Arango, Nicole Freeman, Leanne Nydam, Todd
12 Wainman, Amanda Bertholf, Robert Johaneman,
13 McKenzie Greene, Hannah Rodriguez, Zachary Doyle,
14 Jenna Tocco, Andrea Griebel, Kyle Ciaravino, Adam
15 Blank, Olivia Lee, Annie LeCompte-Maynard; and

16 "WHEREAS, These Valedictorians,
17 Salutatorians and Honored Students may now stand
18 with pride as they assess their achievements,
19 experience the satisfaction of their labors and
20 the joy of their accomplishments, eager to face
21 the new experiences of a challenging world; now,
22 therefore, be it

23 "RESOLVED, That this Legislative
24 Body pause in its deliberations to commend the
25 Valedictorians, Salutatorians and Honored

1 Students of the 42nd Senate District, in
2 recognition of their outstanding accomplishments
3 at a celebration to be held at the State Capitol
4 on June 6, 2012; and be it further

5 "RESOLVED, That copies of this
6 resolution, suitably engrossed, be transmitted to
7 the aforementioned Valedictorians, Salutatorians
8 and Honored Students."

9 ACTING PRESIDENT ROBACH: Senator
10 Bonacic.

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

13 To all our honored students, to
14 those school officials and parents who came
15 today, welcome to the Senate. Thank you for
16 bringing our honored guests here.

17 This morning we had three
18 presenters that talked to the group about their
19 views of life. We had Judge Prudenti, we had
20 Chancellor Nancy Zimpher, and we had Don
21 Christian, the president of SUNY New Paltz. And
22 they were wonderful speakers, and we enjoyed
23 them.

24 My message to these honored guests
25 are that you are a valuable resource not only to

1 the State of New York but to our country. We
2 want you to succeed in whatever you're going to
3 be. We would hope that you would come back to
4 New York to work, live, and raise your families.

5 The State of New York is the best
6 state in the country. You may be going to school
7 outside New York, but if your heart brings you
8 back here, we would welcome you. This is a place
9 of opportunity. Things have been a little tough
10 across the country with this recession, but we're
11 confident things are going to get better.

12 So we wish you continued good
13 health and much success in all your future
14 endeavors.

15 My colleagues, I would ask you to
16 stand and welcome this wonderful group. Thank
17 you.

18 (Standing ovation.)

19 ACTING PRESIDENT ROBACH: And that
20 resolution was previously adopted on May 31st.

21 Senator DeFrancisco.

22 SENATOR DeFRANCISCO: Very
23 briefly, I just want to first of all commend
24 Senator Bonacic. This is a wonderful idea.

25 In our chamber we pass a lot of

1 bills all the time that deal with problems in
2 society and dealing with the -- are they all on
3 this side? I don't know where -- both sides?
4 I'll keep going like this, then.

5 We pass a lot of bills dealing with
6 problems in society, whether they be individuals
7 that get into criminal trouble, whether it be
8 people who have not succeeded for whatever
9 reason, and it occupies so much of our time. But
10 we have to recognize -- and this is why it's so
11 great what Senator Bonacic does -- that there are
12 good kids, responsible young people that are
13 doing the right thing, working hard to succeed.
14 Because responsibility for yourself is the most
15 important part of succeeding in life.

16 Well, you've done the right thing.
17 So far. You've got a long way to go. If you
18 keep up the drive that you've shown up to this
19 point in time, you are going to be the future
20 leaders of our society. And believe me, we need
21 future leaders.

22 So thank you, Senator Bonacic, for
23 allowing us to pause for this thought, which is
24 an important one, and congratulate all of you for
25 your success to date and for your success that we

1 all know you're going to have in the future.

2 Thank you.

3 (Applause.)

4 ACTING PRESIDENT ROBACH: Senator
5 Fuschillo.

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

8 Let me just join with Senator
9 DeFrancisco and thank Senator Bonacic. This is
10 an event that he looks forward to every year.
11 And he emphasizes that you are the best of the
12 best. You're graduating from high school and
13 you're all going on to college.

14 And as Senator DeFrancisco said, we
15 are longing for the future generation of
16 leaders. We welcome you to the Senate chambers.
17 We wish you continued success.

18 Senator Bonacic, thank you very
19 much for allowing them to be part of the Senate
20 chambers today, because it's nice to see, as
21 Senator DeFrancisco said, some good things that
22 come before the chambers. And it's a pleasure to
23 see all of you.

24 Have a healthy and great, safe
25 summer. I wish all of you continued success.

1 Thank you very much.

2 (Appause.)

3 ACTING PRESIDENT ROBACH: Senator
4 Marcellino.

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

7 I too would like to stand and thank
8 Senator Bonacic for this worthy resolution and
9 honoring these fine young people.

10 But I would just like to remind
11 them, you didn't get where you are by
12 yourselves. You had a good foundation, because
13 obviously you came from good families. So when
14 you get home, give your parents a hug. Thank
15 them, because they obviously did the right thing
16 in bringing you up correctly and giving you the
17 right values and the right sense of the honor and
18 abilities.

19 And also, when you get back to
20 school, thank your teachers. Because they
21 obviously did the right thing too. They've been
22 helping you, they've been guiding you and giving
23 the information and giving you the proper
24 direction.

25 So don't forget, we rarely get

1 places by ourselves. We rarely can do anything
2 alone in this world. It takes help. And you've
3 obviously gotten the right help from both your
4 families and your teachers. So don't forget to
5 honor both of them when you get home.

6 In the meantime, congratulations.
7 Have a great day. And God bless each and every
8 one of you.

9 (Applause.)

10 ACTING PRESIDENT ROBACH: Thank
11 you.

12 Again, on behalf of Senator
13 Bonacic, Senator DeFrancisco, Senator Fuschillo,
14 Senator Marcellino and all the members of the
15 Senate, we applaud the great work of you
16 wonderful students. Keep it up, and enjoy your
17 visit here to the Capitol.

18 (Applause.)

19 ACTING PRESIDENT ROBACH: Senator
20 Libous.

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

23 It is indeed great to be inspired
24 by these young people with the great success that
25 they've achieved so far, and Senator Bonacic

1 bringing them here today.

2 Moving along on the agenda, we now
3 have a privileged resolution by Senator Larkin at
4 the desk. Could we have the title read, and I
5 believe Senator Larkin would like to be called on
6 before its adoption.

7 ACTING PRESIDENT ROBACH: The
8 Secretary will read.

9 THE SECRETARY: Legislative
10 resolution by Senator Larkin honoring the
11 veterans participating in Honor Flight by the
12 Hudson Valley Chapter of Honor Flight on June 9,
13 2012.

14 ACTING PRESIDENT ROBACH: Senator
15 Larkin.

16 SENATOR LARKIN: Thank you very
17 much, Mr. President.

18 We started today off in memory of
19 the 68th anniversary of D-Day. This flight that
20 we're taking on Saturday is taking 100 World War
21 II veterans, taking them to Washington, D.C., so
22 they can visit the World War II memorial.

23 This is special. This project was
24 started by an Air Force captain, Richard Morse,
25 27 years ago when he started taking one or two

1 individuals to memorials around the country.
2 He's since passed away, but now this has taken
3 air across the nation, not just here in
4 New York.

5 But this is an opportunity for many
6 of these people. Approximately 30 of them will
7 be in wheelchairs. Some of them have -- these
8 are not lately wounds, injuries, these are wounds
9 of World War II. This will give these
10 individuals the opportunity as they look at the
11 memorial, the pictures I've seen of it, of the
12 different battles in World War II, whether they
13 were in Europe or the South Pacific, whether they
14 were in North Africa or wherever.

15 But this is a time we should take a
16 few moments and just realize what World War II
17 veterans were all about. The Veterans
18 Administration and the Department of Defense are
19 reporting that there's 1,000 World War II
20 veterans dying every day.

21 And I think we should take a moment
22 and remember them. Because somebody in your
23 family, whether it's aunt, uncle, cousin, nephew,
24 was part of that. And we wouldn't be the nation
25 we are today if it weren't for those veterans of

1 World War II.

2 I'm honored to be a World War II
3 veteran, and I'll be on that flight on Saturday.
4 And I can't wait to go through some of the issues
5 that we see down there and refer to our battles
6 for this great country.

7 Thank you very much.

8 ACTING PRESIDENT ROBACH: Thank
9 you, Senator Larkin.

10 (Applause.)

11 ACTING PRESIDENT ROBACH: The
12 question is on the resolution. All in favor
13 signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT ROBACH: Opposed,
16 nay.

17 (No response.)

18 ACTING PRESIDENT ROBACH: The
19 resolution is adopted.

20 Senator Libous.

21 SENATOR LIBOUS: Thank you,
22 Mr. President. At this time I have a couple of
23 motions.

24 On behalf of Senator LaValle, I
25 wish to call up his bill, Print Number 6451,

1 recalled from the Assembly, which is now at the
2 desk.

3 ACTING PRESIDENT ROBACH: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 694, by Senator LaValle, Senate Print 6451, an
7 act to authorize the Town of East Hampton.

8 SENATOR LIBOUS: I now move to
9 reconsider the vote by which this bill was
10 passed.

11 ACTING PRESIDENT ROBACH: The
12 Secretary will call the roll on reconsideration.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 54.

15 SENATOR LIBOUS: Mr. President, I
16 offer up the following amendments.

17 ACTING PRESIDENT ROBACH: The
18 amendments are received.

19 Senator Libous.

20 SENATOR LIBOUS: On behalf of
21 Senator Flanagan, Mr. President, on page 30 I
22 offer the following amendments to Calendar Number
23 502, Senate Print 5691A, and ask that said bill
24 retain its place on the Third Reading Calendar.

25 ACTING PRESIDENT ROBACH: The

1 amendments are received, and the bill will retain
2 its place on Third Reading Calendar.

3 SENATOR LIBOUS: Mr. President, at
4 this time I am going to call an immediate meeting
5 of the Finance Committee in Room 332.

6 But I want to also let members who
7 are not on the Finance Committee know that we
8 will continue and begin doing the
9 noncontroversial reading of the calendar, and
10 then we will wait for the Finance Committee to
11 come back before we do nominations and possibly
12 one or two other bills.

13 So we will do the noncontroversial
14 reading, but there will be an immediate meeting
15 of the Finance Committee immediately in Room 332.

16 ACTING PRESIDENT ROBACH:
17 Immediate meeting of the Finance Committee in
18 Room 332.

19 ACTING PRESIDENT O'MARA: Senator
20 Libous.

21 SENATOR LIBOUS: Mr. President,
22 could we begin the noncontroversial reading of
23 the calendar at this time.

24 ACTING PRESIDENT O'MARA: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 556, substituted earlier by Member of the
3 Assembly Pretlow, Assembly Print 9292, an act to
4 amend the Local Finance Law.

5 ACTING PRESIDENT O'MARA: There is
6 a home-rule message at the desk.

7 Read the last section.

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

10 ACTING PRESIDENT O'MARA: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 53. Nays,
14 1. Senator Ball recorded in the negative.

15 ACTING PRESIDENT O'MARA: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 669, by Senator Marcellino, Senate Print 4088A,
19 an act to amend the Tax Law.

20 ACTING PRESIDENT O'MARA: Read the
21 last section.

22 THE SECRETARY: Section 4. This
23 act shall take effect immediately.

24 ACTING PRESIDENT O'MARA: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 54.

3 ACTING PRESIDENT O'MARA: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 697, substituted earlier by Member of the
7 Assembly Schimel, Assembly Print Number 9816, an
8 act to amend Chapter 602 of the Laws of 1993.

9 ACTING PRESIDENT O'MARA: Read the
10 last section.

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

13 ACTING PRESIDENT O'MARA: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 54.

17 ACTING PRESIDENT O'MARA: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 704, by Senator Sampson, Senate Print 1701, an
21 act to amend the Penal Law.

22 ACTING PRESIDENT O'MARA: Read the
23 last section.

24 THE SECRETARY: Section 4. This
25 act shall take effect on the 90th day.

1 ACTING PRESIDENT O'MARA: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 54.

5 ACTING PRESIDENT O'MARA: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 714, by Senator Bonacic, Senate Print 4879, an
9 act to amend the Education Law.

10 ACTING PRESIDENT O'MARA: Read the
11 last section.

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

14 ACTING PRESIDENT O'MARA: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 54.

18 ACTING PRESIDENT O'MARA: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 718, by Senator Bonacic, Senate Print 2142A, an
22 act to amend the County Law.

23 ACTING PRESIDENT O'MARA: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT O'MARA: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 54.

6 ACTING PRESIDENT O'MARA: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 740, by Senator Young, Senate Print 7408 --

10 SENATOR LIBOUS: Lay it aside for
11 the day, please.

12 ACTING PRESIDENT O'MARA: The bill
13 is laid aside for the day.

14 THE SECRETARY: Calendar Number
15 753, by Senator Grisanti, Senate Print 7277A, an
16 act to amend the Agriculture and Markets Law.

17 ACTING PRESIDENT O'MARA: Read the
18 last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect on the 180th day.

21 ACTING PRESIDENT O'MARA: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT O'MARA: Senator
25 Grisanti to explain his vote.

1 SENATOR GRISANTI: Yes,
2 Mr. President, just a quick explanation. Because
3 I think that this bill is most important to
4 consumers here of New York State.

5 This bill amends the exemption
6 provisions contained within the unit pricing laws
7 to require unit pricing disclosure in chain
8 stores selling more than \$2.5 million of consumer
9 commodities per year.

10 Now, if nobody understands what
11 that is, when you're buying a product it will
12 have that little tag, and it will let you know
13 that smaller unit price that's next to the actual
14 price of the product. What's happening is in
15 some of these stores they may be selling a
16 10-ounce brand, a 12-ounce brand or another brand
17 without letting you know the better value of what
18 price that product is -- naturally, so they can
19 make money.

20 But the unit pricing is
21 particularly important today because some of
22 these grocery stores no longer sell products in
23 these standard sizes, as you may know. So
24 consumers are faced now with a confusing array of
25 packages from coffee, ice cream, tuna fish,

1 cosmetics, soaps, dog food, paper products.

2 This law provides the only real
3 means of consumers to find the best value between
4 the brands and the consumer sizes, to help
5 consumers save money.

6 They've received a number of
7 complaints from the Department of Agriculture and
8 Markets, and this will hopefully remedy that.
9 It's a good bill. It's got support from the food
10 industry. The Retail Council is neutral, as well
11 as some other stores.

12 So I vote aye, Mr. President.
13 Thank you very much.

14 ACTING PRESIDENT O'MARA: Thank
15 you. Senator Grisanti, you will be recorded in
16 the affirmative.

17 Announce the results.

18 THE SECRETARY: Ayes, 54.

19 ACTING PRESIDENT O'MARA: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 781, by Senator Zeldin, Senate Print 7322A, an
23 act to amend the Highway Law.

24 ACTING PRESIDENT O'MARA: Read the
25 last section.

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

3 ACTING PRESIDENT O'MARA: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 54.

7 ACTING PRESIDENT O'MARA: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 786, by Senator Bonacic, Senate Print 6618, an
11 act to amend the Judiciary Law.

12 ACTING PRESIDENT O'MARA: Read the
13 last section.

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

16 ACTING PRESIDENT O'MARA: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 54.

20 ACTING PRESIDENT O'MARA: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 804, substituted earlier by Member of the
24 Assembly Schimminger, Assembly Print 9454, an act
25 to amend Chapter 396 of the Laws of 2010.

1 ACTING PRESIDENT O'MARA: Read the
2 last section.

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

5 ACTING PRESIDENT O'MARA: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 51. Nays,
9 3. Senators Duane, Montgomery and Perkins
10 recorded in the negative.

11 ACTING PRESIDENT O'MARA: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 858, by Senator Young, Senate Print --

15 SENATOR LIBOUS: Lay it aside for
16 the day.

17 ACTING PRESIDENT O'MARA: The bill
18 is laid aside for the day.

19 THE SECRETARY: Calendar Number
20 860, by Senator Little, Senate Print 6851, an act
21 to amend the Alcoholic Beverage Control Law.

22 ACTING PRESIDENT O'MARA: Read the
23 last section.

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

1 ACTING PRESIDENT O'MARA: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 54.

5 ACTING PRESIDENT O'MARA: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 875, substituted earlier by Member of the
9 Assembly Morelle, Assembly Print 9948, an act to
10 amend Chapter 371 of the Laws of 2009.

11 ACTING PRESIDENT O'MARA: Read the
12 last section.

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

15 ACTING PRESIDENT O'MARA: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 54.

19 ACTING PRESIDENT O'MARA: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 886, by Senator Lanza, Senate Print 4505, an act
23 to amend the Public Officers Law.

24 ACTING PRESIDENT O'MARA: Read the
25 last section.

1 THE SECRETARY: Section 2. This
2 act shall take effect on the 60th day.

3 ACTING PRESIDENT O'MARA: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 54.

7 ACTING PRESIDENT O'MARA: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 896, by Senator Ball, Senate Print 6799, an act
11 to amend the Vehicle and Traffic Law.

12 ACTING PRESIDENT O'MARA: Read the
13 last section.

14 THE SECRETARY: Section 4. This
15 act shall take effect one year after it shall
16 have become law.

17 ACTING PRESIDENT O'MARA: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 54.

21 ACTING PRESIDENT O'MARA: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 897, by Senator Farley, Senate Print 5144, an act
25 to amend the Banking Law.

1 ACTING PRESIDENT O'MARA: Read the
2 last section.

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

5 ACTING PRESIDENT O'MARA: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 54.

9 ACTING PRESIDENT O'MARA: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 903, substituted earlier by Member of the
13 Assembly Thiele, Assembly Print 8843B, an act to
14 amend the Local Finance Law.

15 ACTING PRESIDENT O'MARA: There is
16 a home-rule message at the desk.

17 Read the last section.

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

20 ACTING PRESIDENT O'MARA: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 54.

24 ACTING PRESIDENT O'MARA: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 905, by Senator Little, Senate Print 6501, an act
3 to amend Chapter 326 of the Laws of 2006.

4 ACTING PRESIDENT O'MARA: Read the
5 last section.

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

8 ACTING PRESIDENT O'MARA: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 52. Nays,
12 2. Senators Ball and Bonacic recorded in the
13 negative.

14 ACTING PRESIDENT O'MARA: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 906, by Senator Hannon, Senate Print 6700, an act
18 to authorize the assessor.

19 ACTING PRESIDENT O'MARA: Read the
20 last section.

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

23 ACTING PRESIDENT O'MARA: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 51. Nays,
2 3. Senators Bonacic, Larkin and O'Mara recorded
3 in the negative.

4 ACTING PRESIDENT O'MARA: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 908, substituted earlier by Member of the
8 Assembly Thiele, Assembly Print Number 9660, an
9 act to amend the Village Law.

10 ACTING PRESIDENT O'MARA: Read the
11 last section.

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

14 ACTING PRESIDENT O'MARA: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 54.

18 ACTING PRESIDENT O'MARA: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 909, by Senator Nozzolio, Senate Print 6834A, an
22 act to validate certain findings.

23 ACTING PRESIDENT O'MARA: There is
24 a home-rule message at the desk.

25 Read the last section.

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

3 ACTING PRESIDENT O'MARA: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 53. Nays,
7 1. Senator Ball recorded in the negative.

8 ACTING PRESIDENT O'MARA: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 910, by Senator Marcellino, Senate Print 6906A,
12 an act to authorize the assessor.

13 ACTING PRESIDENT O'MARA: Read the
14 last section.

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

17 ACTING PRESIDENT O'MARA: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 51. Nays,
21 3. Senators Bonacic, Larkin and O'Mara recorded
22 in the negative.

23 ACTING PRESIDENT O'MARA: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 911, by Senator Hannon, Senate Print 6913, an act
2 to authorize the assessor.

3 ACTING PRESIDENT O'MARA: Read the
4 last section.

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

7 ACTING PRESIDENT O'MARA: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 51. Nays,
11 3. Senators Bonacic, Larkin and O'Mara recorded
12 in the negative.

13 ACTING PRESIDENT O'MARA: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 912, by Senator Farley, Senate Print 6997A, an
17 act to authorize the assessor.

18 ACTING PRESIDENT O'MARA: Read the
19 last section.

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

22 ACTING PRESIDENT O'MARA: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 51. Nays,

1 3. Senators Bonacic, Larkin and O'Mara recorded
2 in the negative.

3 ACTING PRESIDENT O'MARA: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 915, by Senator Nozzolio, Senate Print 7291, an
7 act to authorize the Town of Lodi.

8 ACTING PRESIDENT O'MARA: Read the
9 last section.

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

12 ACTING PRESIDENT O'MARA: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 54.

16 ACTING PRESIDENT O'MARA: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 916, by Senator Hannon, Senate Print 7320A, an
20 act to authorize Monica's Manor, Inc.

21 ACTING PRESIDENT O'MARA: Read the
22 last section.

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

25 ACTING PRESIDENT O'MARA: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 51. Nays,

4 3. Senators Bonacic, Larkin and O'Mara recorded
5 in the negative.

6 ACTING PRESIDENT O'MARA: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 960, substituted earlier by Member of the
10 Assembly Aubry, Assembly Print 10076, an act to
11 amend the Civil Service Law.

12 ACTING PRESIDENT O'MARA: Read the
13 last section.

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

16 ACTING PRESIDENT O'MARA: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 54.

20 ACTING PRESIDENT O'MARA: The bill
21 is passed.

22 Senator Libous.

23 SENATOR LIBOUS: Mr. President,
24 Number 1113, we'll just lay it aside temporarily.

25 ACTING PRESIDENT O'MARA: Calendar

1 Number 1113 will be laid aside temporarily.

2 SENATOR LIBOUS: Mr. President.

3 ACTING PRESIDENT O'MARA: Senator
4 Libous.

5 SENATOR LIBOUS: Thank you, sir.

6 We're at ease, but I would tell
7 members not to stray far from the chamber. As
8 soon as Finance comes back, we'll take up this
9 last bill, we'll do the nominations, and we'll do
10 whatever we have to do after that.

11 ACTING PRESIDENT O'MARA: The
12 Senate will stand at ease for a short period of
13 time. Please do not stray too far.

14 (Whereupon, the Senate stood at ease
15 at 11:49 a.m.)

16 (Whereupon, the Senate reconvened at
17 12:03 p.m.)

18 ACTING PRESIDENT O'MARA: The
19 Senate will come to order.

20 Senator Libous.

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

23 Mr. President, at this time, with
24 consent of Acting Minority Leader Breslin, if you
25 could call on Senator Martins for the purposes of

1 a statement.

2 ACTING PRESIDENT O'MARA: Senator
3 Martins.

4 SENATOR MARTINS: Mr. President,
5 it's my honor and privilege to recognize a part
6 of our community, future leaders of our
7 community, the fourth-grade class of the Hampton
8 Street School from the great Village of Mineola.

9 This particular school is
10 especially near and dear to my heart, as,
11 Mr. President, I'm sure you've all heard the term
12 and the phrase that "everything you need to know
13 in life you learned in kindergarten." Well,
14 Hampton Street is the school where I attended
15 kindergarten.

16 So we share a common bond with
17 these fourth-graders who came here to see how
18 state government operates and are visiting us
19 here today. They will be visiting other parts of
20 the Capitol and certainly partaking in all that
21 the Albany region has to offer. But I want to
22 take the opportunity to salute the school, salute
23 the students, and wish them good luck.

24 Thank you, Mr. President. I want
25 to thank my colleagues for your indulgence.

1 Thank you.

2 ACTING PRESIDENT O'MARA: Thank
3 you, Senator Martins.

4 And welcome to you fourth-graders
5 to the Capitol today. It's a pleasure to have
6 you here; thank you for coming. And I hope you
7 enjoy your tour around the Capitol today.

8 (Applause.)

9 SENATOR LIBOUS: Mr. President.

10 ACTING PRESIDENT O'MARA: Senator
11 Libous.

12 SENATOR LIBOUS: We laid aside
13 Calendar Number 1113, noncontroversial. If we
14 could take that up right now.

15 ACTING PRESIDENT O'MARA: The
16 Secretary will read.

17 THE SECRETARY: Calendar Number
18 1113, by Senator LaValle, Senate Print 7447, an
19 act to amend the Real Property Tax Law.

20 ACTING PRESIDENT O'MARA: Read the
21 last section.

22 THE SECRETARY: Section 4. This
23 act shall take effect immediately.

24 ACTING PRESIDENT O'MARA: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT O'MARA: Senator
3 LaValle to explain his vote.

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

6 At a time when people are being
7 crushed by high real property taxes, people
8 fleeing the state, in spite of all the things
9 that we have been doing, including the 2 percent
10 property tax cap, this legislation begins a
11 process to restore the STAR rebate checks,
12 starting with the seniors this year and then
13 moving out those nonseniors who are eligible for
14 the STAR program.

15 So in the first year, if you're
16 part of the STAR enhancement program, you could
17 begin to see some benefits, some relief this
18 year.

19 I vote in the affirmative.

20 ACTING PRESIDENT O'MARA: Senator
21 LaValle to be recorded in the affirmative.

22 Senator Zeldin to explain your
23 vote.

24 SENATOR ZELDIN: Thank you.

25 And thank you to Senator LaValle

1 for bringing this to the floor today. I stand in
2 strong support.

3 This entire term, my first term in
4 office really has been about keeping the
5 commitment. And I know it's been the same
6 commitment for many of my colleagues.

7 Back during my campaign when I was
8 first running for office, we were talking about
9 some of the really ill-informed decisions made by
10 the former majority of this house in 2009 and
11 2010 -- in imposing a MTA payroll tax, in
12 creating a saltwater fishing license and fee for
13 all of my constituents, tens of thousands of Long
14 Islanders, and for repealing the STAR rebate
15 check.

16 The property tax increases on
17 Long Island and all across this state simply are
18 unsustainable. And it sends a very strong
19 message to everyone in this house and all across
20 Albany that Long Island and the suburbs and rural
21 areas of the state will be not looked at as an
22 ATM machine for some ill-informed policies.

23 I want to thank Senator Skelos as
24 well as for bringing this bill to the floor for a
25 vote. I'm very proud of this first term that

1 I've had working with my fellow colleagues. We
2 passed two on-time budgets. We balanced a
3 deficit that was inherited when we came into
4 office. We worked together with the Governor,
5 with Governor Cuomo, to make sure that we were
6 moving our state forward.

7 But passing this particular bill of
8 Senator LaValle today sends a very important
9 message that this conference, this Republican
10 conference is going to do everything in our power
11 to stand up for the taxpayers, stand up for the
12 property taxpayers of the Third Senate District
13 and all over the state.

14 I strongly support this bill, and I
15 thank Senator LaValle for his sponsorship.

16 ACTING PRESIDENT O'MARA: Thank
17 you, Senator Zeldin. You will be recorded in the
18 affirmative.

19 Senator Ranzenhofer to explain your
20 vote.

21 SENATOR RANZENHOFER: Thank you.

22 Just briefly, I'd also like to
23 commend Senator LaValle and also working with
24 Senator Zeldin to pass a STAR rebate bill.

25 The relief that is needed is

1 insufficient without a STAR rebate check. This
2 was taken away from homeowners in my community
3 four years ago. Property taxes continue to rise,
4 from young families to seniors that are
5 struggling to stay in their homes. We need to
6 provide these STAR rebate checks for our
7 community.

8 The plan outlined in this bill is
9 very comprehensive. It's adaptive based on your
10 income. And it's necessary. It is about time
11 that we take part of the largest property tax
12 burden that property taxpayers have to pay, which
13 is the school property tax. I vote aye.

14 ACTING PRESIDENT O'MARA: Thank
15 you, Senator Ranzenhofer. You'll be recorded in
16 the affirmative.

17 Senator Ritchie to explain her
18 vote.

19 SENATOR RITCHIE: Property taxes
20 in our state are too high. They're higher than
21 in many other states. Not a single day goes by
22 that I don't hear from one of my constituents,
23 whether it's one of the letters that come in, or
24 I hear from them when I'm out on the street.

25 Many times they're telling me about

1 family homes that they've lived in for a number
2 of years that they're now going to have to sell
3 because they can't continue to pay the same
4 property taxes that's increased year after year.

5 So this is the second time I've
6 been able to vote aye on restoring the property
7 tax cap. I'm pleased to be able to do that. I
8 hope the Assembly will take up this bill and give
9 the hardworking property taxpayers the relief
10 that they so desperately need.

11 So, Mr. President, I vote aye on
12 the bill.

13 ACTING PRESIDENT O'MARA: Thank
14 you, Senator Ritchie. You'll be recorded from
15 the affirmative.

16 Seeing no other Senators wishing to
17 be heard, the Secretary will announce the result.

18 THE SECRETARY: Ayes, 57.

19 ACTING PRESIDENT O'MARA: The bill
20 is passed.

21 SENATOR LIBOUS: Mr. President, at
22 this time can we return to the reports of
23 standing committees. I believe there's a report
24 of the Finance Committee at the desk.

25 ACTING PRESIDENT O'MARA: Reports

1 of standing committees.

2 The Secretary will read.

3 THE SECRETARY: Senator
4 DeFrancisco, from the Committee on Finance,
5 reports the following nomination.

6 As a member of the State Board of
7 Real Property Tax Services, Matthew W. Rand, of
8 West Nyack.

9 ACTING PRESIDENT O'MARA: Senator
10 DeFrancisco.

11 SENATOR DeFRANCISCO: Yes. In
12 moving this nomination, I'd just like to speak
13 generally on the five individuals who are being
14 nominated for various positions or for a
15 promotion, in the case of the last nominee.

16 You know, the Governor has again
17 outdone himself with outstanding people with
18 incredible credentials and, most importantly,
19 people that are willing to serve and have a
20 history of serving our great state and the
21 communities in which they live. And for each of
22 those individuals I would urge their adoption.

23 So as to the first nominee, Matthew
24 W. Rand, as a member of the State Board of Real
25 Property Tax Services, I move the nomination.

1 ACTING PRESIDENT O'MARA: Senator
2 Martins on the nomination.

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

5 I am pleased to second the
6 nomination. I again want to commend the Governor
7 on a wonderful selection, a wonderful nomination
8 for the Real Property Services Board.

9 Matthew Rand is a member of the
10 Rockland community. He is the managing partner
11 of a company, a top 60 in the country real estate
12 company that represents and has listings in the
13 entire Lower Hudson Valley. He's a family
14 member, a father, a husband. But equally as
15 important to the task at hand and the services
16 that he will be providing, he's a person that
17 gives back to the community, with the American
18 Red Cross, working with People to People, a food
19 pantry in Rockland County, as well as
20 Leadership Rockland.

21 This is a person who cares, a
22 person who's willing to serve. And I'm looking
23 forward to many years of service from Mr. Rand.
24 I'm honored to second the nomination.

25 Thank you, Mr. President.

1 ACTING PRESIDENT O'MARA: Thank
2 you, Senator Martins.

3 Senator Carlucci on the nomination.

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

6 I want to echo what my colleagues
7 have said and thank Governor Cuomo for putting
8 forth such an excellent candidate to serve on the
9 Real Property Board for New York State.

10 This is exactly the type of person
11 that we need serving in New York State
12 government, someone that's helped build a
13 company, someone that's participated. In 2010,
14 Matthew Rand's company had over \$1.5 billion in
15 real estate transactions right in the Hudson
16 Valley. And as Senator Martins had indicated,
17 now his company is one of the 60 largest
18 companies in the country dealing with real
19 estate.

20 And I know Matt from involvement in
21 the community. Like Senator Martins had said,
22 he's involved with People to People, which is a
23 wonderful organization that helps feed people in
24 Rockland County. Served on the Red Cross, the
25 Hudson Valley Red Cross, which is one of the

1 largest chapters in the country.

2 So he's given back so much to our
3 community. But most importantly, he's got a
4 smart business sense, and I think he's going to
5 help this board to move into the 21st century and
6 make sure that we keep up with what needs to get
7 done in New York.

8 So I'm honored and thrilled to
9 support Matthew Rand, and I again thank the
10 Governor for this nomination.

11 Thank you, Mr. President.

12 ACTING PRESIDENT O'MARA: Thank
13 you, Senator Carlucci.

14 Senator Stavisky on the nomination.

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

17 And I too want to commend the
18 Governor on this appointment.

19 Mr. Rand's service to the American
20 Red Cross, particularly during times of disaster,
21 is well known throughout the Northeast area. And
22 this demonstrates his concern for others.

23 The Hudson Valley Economic
24 Development Corporation demonstrates his
25 knowledge of the local economy and how small

1 business is at the heart of our economic recovery
2 system and job creation is certainly key.

3 So I congratulate Matt Rand on his
4 nomination, and I'm delighted that he has chosen
5 to participate in government activities. I think
6 that we have to attract more people who are
7 active in the community but also demonstrate a
8 concern for others and a knowledge of government
9 and are willing to put their experience forward
10 so that other people may benefit.

11 Thank you, Mr. President.

12 ACTING PRESIDENT O'MARA: Thank
13 you, Senator.

14 Seeing no other Senator wishing to
15 be heard, the question is on the confirmation of
16 Matthew W. Rand as a member of the State Board of
17 Real Property Tax Services.

18 All in favor signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT O'MARA: Opposed,
21 nay.

22 (No response.)

23 ACTING PRESIDENT O'MARA: Matthew
24 W. Rand is hereby confirmed as a member of the
25 State Board of Real Property Tax Services.

1 Congratulations.

2 (Appause.)

3 ACTING PRESIDENT O'MARA: The
4 Secretary will read.

5 THE SECRETARY: As commissioner of
6 the Port Authority of New York and New Jersey,
7 Scott Howard Rechler, of Old Brookville.

8 ACTING PRESIDENT O'MARA: Senator
9 DeFrancisco.

10 SENATOR DeFRANCISCO: I move the
11 nomination.

12 ACTING PRESIDENT O'MARA: Senator
13 Hannon on the nomination.

14 SENATOR HANNON: Yes, I'd just
15 like to speak to commend to this body Scott
16 Rechler, who is an active participant in the
17 business community, especially on Long Island,
18 brings a great seriousness of purpose and
19 intelligence to every project he does, and I
20 think is the type of individual we need to
21 continue on the Port Authority.

22 So I commend him to this body.

23 ACTING PRESIDENT O'MARA: Thank
24 you, Senator.

25 Senator Fuschillo.

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

3 The Transportation Committee met
4 this morning and unanimously approved the
5 nomination to be referred to the Finance
6 Committee, which has subsequently approved it as
7 well.

8 I want to thank Scott Rechler for
9 once again having the willingness to serve the
10 people of New York State and New Jersey as well.
11 He has been a commissioner for the last eight
12 months and has done an outstanding job. But he
13 brought the private experience that was necessary
14 to reform the Port Authority.

15 The media reports and the actions
16 of the Port Authority in the last couple of years
17 have been quite frankly a disgrace. We have seen
18 cost overruns, mismanagement, fraud, waste and
19 abuse. There's a new executive director there,
20 and there's a new board. And Scott Rechler is a
21 breath of fresh air. He's certainly brought the
22 Port Authority back on the right track.

23 I support his nomination, and I
24 want to thank Governor Cuomo for submitting it.

25 ACTING PRESIDENT O'MARA: Thank

1 you, Senator Fuschillo.

2 Senator Zeldin on the nomination.

3 SENATOR ZELDIN: I'd like to also
4 commend Governor Cuomo on his excellent
5 nomination, reappointment of Scott Rechler.

6 Really all across the state we have
7 a lot of startup business owners, they're
8 inspired, they start new companies, and really
9 they look to someone like Scott Rechler as
10 everything that they want to achieve to define
11 success.

12 And right now, as we're trying to
13 improve the business climate of this state in
14 New York, on Long Island we are so fortunate to
15 have leaders like Mr. Rechler, who really has
16 done just so much to help the community, to
17 create jobs and really contribute to the vibrancy
18 of our economy.

19 And we're just very fortunate to
20 have you, your willingness to participate in
21 government, to find the time with all of your
22 duties leading such a great company.

23 And I just want to also commend --
24 once again, it's a great reappointment by
25 Governor Cuomo, and I stand in support.

1 ACTING PRESIDENT O'MARA: Thank
2 you, Senator Zeldin.

3 The question is on the nomination
4 of Scott Howard Rechler as a commissioner of the
5 Port Authority of New York and New Jersey. All
6 in favor signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT O'MARA: Opposed,
9 nay.

10 (No response.)

11 ACTING PRESIDENT O'MARA: Scott
12 Howard Rechler is hereby confirmed as a
13 commissioner of the Port Authority of New York
14 and New Jersey.

15 Congratulations.

16 (Applause.)

17 ACTING PRESIDENT O'MARA: The
18 Secretary will read.

19 THE SECRETARY: As commissioner of
20 the Port Authority of New York and New Jersey,
21 James P. Rubin, of New York.

22 ACTING PRESIDENT O'MARA: Senator
23 Libous.

24 SENATOR LIBOUS: Mr. President, at
25 this time I move the nomination of James P. Rubin

1 for commissioner of the Port Authority of
2 New York and New Jersey.

3 ACTING PRESIDENT O'MARA: Senator
4 Fuschillo on the nomination.

5 SENATOR FUSCHILLO: Mr. President,
6 I just want to rise and once again compliment
7 Governor Cuomo for this fine nomination.

8 I had the privilege and honor of
9 meeting Jamie Rubin earlier today before the
10 Transportation Committee, and he brings a vast
11 worldwide experience to this Port Authority board
12 as a commissioner.

13 And I'm confident, as I am about
14 the continuation of Scott Rechler on the
15 commission, and the next nominee, that Jamie
16 Rubin will serve as a tremendous asset to the
17 people of New York State and New Jersey. And I
18 thank him for his willingness to serve the people
19 of New York State.

20 I support the nomination, and I
21 wish you the best of luck.

22 ACTING PRESIDENT O'MARA: Thank
23 you, Senator Fuschillo.

24 The question is on the nomination
25 of James P. Rubin as a commissioner of the Port

1 Authority of New York and New Jersey. All in
2 favor signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT O'MARA: Opposed,
5 nay.

6 (No response.)

7 ACTING PRESIDENT O'MARA: James P.
8 Rubin is hereby confirmed as a commissioner of
9 the Port Authority of New York and New Jersey.

10 Congratulations.

11 (Applause.)

12 ACTING PRESIDENT O'MARA: The
13 Secretary will read.

14 THE SECRETARY: As commissioner of
15 the Port Authority of New York and New Jersey,
16 Rosanna Rosado, of White Plains.

17 ACTING PRESIDENT O'MARA: Senator
18 Libous.

19 SENATOR LIBOUS: Mr. President, it
20 is indeed a pleasure for me to move the
21 nomination of Rosanna Rosado as a commissioner of
22 the Port Authority for New York and New Jersey.

23 ACTING PRESIDENT O'MARA: Senator
24 Oppenheimer on the nomination.

25 SENATOR OPPENHEIMER: This gives

1 me a lot of pleasure, because many, many barriers
2 fell when Rosanna Rosado got there. And she just
3 made the world a whole lot more equal -- more
4 equal for women, more equal for Latinas.

5 And she has a remarkable resume.
6 But I think the last year is the most
7 outstanding, because last summer she was promoted
8 to general manager and also appointed publisher
9 of El Diario. And what an accomplishment. She
10 has led the way.

11 And I must say she graduated from a
12 very fine school in my district called White
13 Plains University, where she now resides, in
14 White Plains.

15 And I am thrilled to be able to,
16 first, make this announcement that she is a
17 remarkable woman and has set the bar very high,
18 and just to say I'm very proud that she's a
19 constituent of mine.

20 Thank you.

21 ACTING PRESIDENT O'MARA: Thank
22 you, Senator.

23 Senator Stewart-Cousins on the
24 nomination.

25 SENATOR STEWART-COUSINS: Thank

1 you, Mr. President.

2 I also want to commend the Governor
3 on all of the fine nominees and really give a
4 special congratulations to my friend. And Suzi
5 and I fight about her, I suppose, because I think
6 she's my constituent.

7 But the fact that we all want to
8 claim Rosanna Rosado speaks volumes about who she
9 is. Not only is she breaking barriers every day
10 with her role with El Diario La Prensa, but she
11 is going to be the only woman on the board and,
12 again, the first Latina.

13 And as I reminded my colleagues in
14 the Finance Committee, she's also a New York
15 State Woman of Distinction.

16 So we are really, really proud to
17 have her serve on that board and wish her the
18 best of luck. Thank you.

19 ACTING PRESIDENT O'MARA: Thank
20 you, Senator.

21 Senator Rivera on the nomination.

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

24 Well, Senator Stewart-Cousins, you
25 and Suzi might fight over her being a

1 constituent, and she can certainly move all over
2 the state, but she was only born in one place,
3 and that was the Bronx. So I will take a little
4 bit of credit.

5 (Laughter.)

6 SENATOR RIVERA: But in all
7 seriousness, I rise to also offer my support for
8 this nomination. As both of my colleagues have
9 already pointed out, not only will she be the
10 only woman on the Port Authority board but she
11 also be the only Latina.

12 And in the decisions that the
13 Port Authority will have to make in years to
14 come, I am very thankful that the Governor chose
15 to make this nomination and that we are
16 confirming her today. Because she will be, as
17 she has always been, a strong voice that will add
18 diversity to that conversation.

19 And so when they are making
20 decisions about how to allocate the resources
21 that the Port Authority has, the decisions that
22 they have to make every single day and every
23 single year for years to come, she will be a
24 strong voice in that conversation.

25 And I am very thankful that the

1 Governor has made this nomination, and I am very
2 proud to support this nomination today.

3 Thank you, Mr. President.

4 ACTING PRESIDENT O'MARA: Thank
5 you, Senator Rivera.

6 Senator Fuschillo on the
7 nomination.

8 SENATOR FUSCHILLO: Mr. President,
9 I also want to rise and congratulate the nominee
10 and thank her for her willingness to serve.

11 She brings so much energy to this
12 authority, which is necessary. Now, there may be
13 a Bronx-Westchester battle, but she is a
14 New Yorker first, and that's what's important.

15 And I want to thank her for her
16 willingness to serve, and I wish you, as I do the
17 other nominees that have been confirmed, the best
18 of luck.

19 And do the right thing. The Port
20 Authority, as I mentioned, has had some blights
21 and has some scars and some cuts. It's time for
22 a new era. It's time for reforms and
23 accountability and transparency.

24 I fully support the nomination.

25 Thank you very much.

1 ACTING PRESIDENT O'MARA: Thank
2 you, Senator.

3 Senator Hassell-Thompson on the
4 nomination.

5 SENATOR HASSELL-THOMPSON: Thank
6 you, Mr. Chairman.

7 I will keep the Bronx-Westchester
8 fight going by saying, as a representative of
9 both Bronx and Westchester, I wish to also add
10 my congratulations to our nominee today.

11 And you have heard and read quite a
12 profile on her, but I think the thing that's most
13 important, as we look at each of the agencies and
14 how they function and how they represent in terms
15 of contracts for minorities and women, it is very
16 good to have someone like Ms. Rosado sitting in
17 that seat. Because when those determinations are
18 made, her voice will certainly be heard, and
19 that's her experience.

20 And I certainly anticipate that she
21 will continue to do that in this role, so for
22 that I am very grateful.

23 Thank you, Mr. President.

24 ACTING PRESIDENT O'MARA: Thank
25 you, Senator.

1 Seeing no other Senator wishing to
2 be heard, the question is on the nomination of
3 Rosanna Rosado as a commissioner of the
4 Port Authority of New York and New Jersey. All
5 those in favor signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT O'MARA: Opposed,
8 nay.

9 (No response.)

10 ACTING PRESIDENT O'MARA: Rosanna
11 Rosado is hereby confirmed as a commissioner of
12 the Port Authority of New York and New Jersey.

13 Congratulations.

14 (Applause.)

15 ACTING PRESIDENT O'MARA: The
16 Secretary will read.

17 THE SECRETARY: As Major General,
18 Verle L. Johnston, Jr., of New Windsor.

19 ACTING PRESIDENT O'MARA: Senator
20 Libous.

21 SENATOR LIBOUS: Mr. President, I
22 move the nomination of Verle L. Johnston, Jr.,
23 and I believe you want to call on Senator Larkin
24 and then Senator Ball.

25 ACTING PRESIDENT O'MARA: Senator

1 Larkin on the nomination.

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

4 You know, today we're very
5 fortunate in the State of New York and in this
6 nation. We have an individual that is being
7 nominated to be the Air Guard commander. It's a
8 tremendous responsibility.

9 But if you took time to look at his
10 bio, you will find out that he is truly qualified
11 for this position. The position that he's going
12 into, one of the requirements is that he must be
13 federally certified. That means this is coming
14 all the way from Washington to us.

15 When you look at what he's done, I
16 can understand every bit of it. But when you
17 take the last five and a half years that he's
18 been at the 105th in Stewart Airport in Orange
19 County, New York, his attitude, the training, the
20 missions that they went through, the inspections
21 that they took -- every one of them result in
22 superior ratings. The attitude of the troops,
23 outstanding.

24 Whenever there was an issue in the
25 Valley, he turned the troops out, because the

1 troops respected him. He was a leader from the
2 time he graduated from the Air Force Academy.

3 And you look at his record, we are
4 honored. We should be very thankful. This is a
5 man that could have packed it in and said
6 goodbye, but he answered the call. And he's
7 answered the call ever since '74 when he
8 graduated from the Air Force Academy.

9 I think we're very, very fortunate
10 to have something like General Johnston.

11 And, General, congratulations. You
12 deserved it and you earned it.

13 ACTING PRESIDENT O'MARA: Thank
14 you, Senator Larkin.

15 Senator Ball on the nomination.

16 SENATOR BALL: General Johnston,
17 those were the nicest things I've ever heard
18 Colonel Larkin say about an Air Force guy.

19 So please, from the bottom of my
20 heart -- you know, he came up to me and another
21 one of my colleagues and he said, "Boy, the
22 standards have really gone down since 1974 at the
23 Air Force Academy," pointing to me. So I got to
24 tell you, Colonel Larkin and I go round and round
25 every day, especially when it comes around

1 football season. But we won't talk about that
2 right now.

3 You know, the entity of which this
4 great man -- and I don't say that lightly.
5 General Johnston is absolutely the epitome of
6 what makes this nation great. And the fact that
7 less than 1 percent, less than 1 percent of those
8 who are serving in uniform are making sure that
9 the rest of us are safe.

10 This man is in charge of not only
11 New York State but well and far beyond that, to
12 make sure that all of us can rest at night. And
13 this enormous responsibility rests squarely on
14 the shoulders of a man who is enormously capable,
15 and the Governor should be applauded.

16 Furthermore, when you think about
17 the institution over which he has command, when
18 we talk about social upward mobility and giving
19 young men and women, some of them from rural
20 areas, some of them from the inner city, the
21 opportunities to -- you know, to get the hair
22 shaved off, they all wear a uniform, and they're
23 judged upon nothing else but their ability, their
24 character and their integrity.

25 And, General, I rest at night and I

1 thank God knowing, in your capability, that you
2 will have in your charge young men and women all
3 of whose parents and families love them very,
4 very dearly and know that their lives are in good
5 hands under your leadership.

6 God bless you, and go Air Force.

7 ACTING PRESIDENT O'MARA: Seeing
8 no other Senators wishing to be heard, the
9 question is on confirming the promotion of
10 General Verle L. Johnston, Jr., to the title of
11 Major General. All those in favor signify by
12 saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT O'MARA: Opposed,
15 nay.

16 (No response.)

17 ACTING PRESIDENT O'MARA: Verle L.
18 Johnston is confirmed in his promotion to
19 Major General.

20 Congratulations, Major General.

21 (Standing ovation.)

22 ACTING PRESIDENT O'MARA: Senator
23 Libous.

24 SENATOR LIBOUS: Mr. President, I
25 just want to congratulate all the nominees. And

1 certainly Governor Cuomo has done an outstanding
2 job and given us an outstanding group of
3 individuals to nominate today.

4 Mr. President, if we could return
5 to motions for a moment, please.

6 ACTING PRESIDENT O'MARA: Motions
7 and resolutions.

8 SENATOR LIBOUS: On behalf of
9 Senator Saland, on page 21 I offer the following
10 amendments to Calendar Number 190, Senate Print
11 4873A, and ask that said bill retain its place on
12 the Third Reading Calendar.

13 ACTING PRESIDENT O'MARA: The
14 amendments are received, and the bill will retain
15 its place on the Third Reading Calendar.

16 SENATOR LIBOUS: Mr. President, is
17 there any further business at the desk at this
18 time?

19 ACTING PRESIDENT O'MARA: There is
20 none, Senator Libous.

21 SENATOR LIBOUS: There being no
22 further business, I move that the Senate adjourn
23 until Monday, June 11th, at 3:00 p.m., and
24 intervening days to be legislative days.

25 ACTING PRESIDENT O'MARA: On

1 motion, the Senate stands adjourned until Monday,
2 June 11th, at 3:00 p.m., intervening days being
3 legislative days.

4 (Whereupon, at 12:32 p.m., the
5 Senate adjourned.)

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