NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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June 6, 2012

11:10 a.m.

REGULAR SESSION

SENATOR JOSEPH ROBACH, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT ROBACH: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT ROBACH: The reading of the Journal.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

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

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

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

ACTING PRESIDENT ROBACH: The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: Substitutions ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT ROBACH: The

Secretary will read.

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

ACTING PRESIDENT ROBACH: Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: Senator Ritchie on the resolution.

SENATOR RITCHIE: Thank you, Mr. President.

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

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

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

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

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

Thank you.

ACTING PRESIDENT ROBACH: Thank you.

Senator Little on the resolution.

SENATOR LITTLE: Thank you, Mr. President.

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

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

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

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

Welcome to the Senate chamber. Have a good day here in Albany.

(Standing ovation.)

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

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

"WHEREAS, It is the sense of this

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

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

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

communities and should be recognized and saluted; and

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

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

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

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

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

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

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

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

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

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

(Standing ovation.)

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

Senator DeFrancisco.

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

In our chamber we pass a lot of

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

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

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

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

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

Thank you.

(Applause.)

ACTING PRESIDENT ROBACH: Senator Fuschillo.

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

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

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

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

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

Thank you very much.

(Applause.)

ACTING PRESIDENT ROBACH: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

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

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

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

So don't forget, we rarely get

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

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

(Applause.)

ACTING PRESIDENT ROBACH: Thank you.

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

(Applause.)

ACTING PRESIDENT ROBACH: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

bringing them here today.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

ACTING PRESIDENT ROBACH: Senator Larkin.

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

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

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

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

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

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

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

World War II.

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

Thank you very much.

ACTING PRESIDENT ROBACH: Thank you, Senator Larkin.

(Applause.)

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

Senator Libous.

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

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

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

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

ACTING PRESIDENT ROBACH: The amendments are received.

Senator Libous.

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

ACTING PRESIDENT ROBACH: The

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

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

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

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

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

ACTING PRESIDENT O'MARA: Senator Libous.

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

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

Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

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

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

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

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

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

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

cosmetics, soaps, dog food, paper products.

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

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

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

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

Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

SENATOR LIBOUS: Lay it aside for the day.

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

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays,

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the

roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

Senator Libous.

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

ACTING PRESIDENT O'MARA: Calendar

Number 1113 will be laid aside temporarily.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT O'MARA: Senator Libous.

SENATOR LIBOUS: Thank you, sir.

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

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

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

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

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

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

a statement.

ACTING PRESIDENT O'MARA: Senator Martins.

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

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

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

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

Thank you.

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

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

(Applause.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT O'MARA: Senator Libous.

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

ACTING PRESIDENT O'MARA: The Secretary will read.

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

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

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

SENATOR LaVALLE: Thank you, Mr. President.

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

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

I vote in the affirmative.

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

Senator Zeldin to explain your vote.

SENATOR ZELDIN: Thank you.

And thank you to Senator LaValle

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

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

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

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

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

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

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

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

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

Senator Ranzenhofer to explain your vote.

SENATOR RANZENHOFER: Thank you.

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

The relief that is needed is

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

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

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

Senator Ritchie to explain her vote.

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

Many times they're telling me about

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

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

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

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

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

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT O'MARA: The bill is passed.

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

ACTING PRESIDENT O'MARA: Reports

of standing committees.

The Secretary will read.

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

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

ACTING PRESIDENT O'MARA: Senator DeFrancisco.

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

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

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

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

SENATOR MARTINS: Thank you, Mr. President.

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

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

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

Thank you, Mr. President.

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

Senator Carlucci on the nomination.

SENATOR CARLUCCI: Thank you, Mr. President.

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

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

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

largest chapters in the country.

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

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

Thank you, Mr. President.

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

Senator Stavisky on the nomination.

SENATOR STAVISKY: Thank you, Mr. President.

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT O'MARA: Thank you, Senator.

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

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

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

Congratulations.

(Applause.)

ACTING PRESIDENT O'MARA: The Secretary will read.

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

ACTING PRESIDENT O'MARA: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination.

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

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

So I commend him to this body.

ACTING PRESIDENT O'MARA: Thank you, Senator.

Senator Fuschillo.

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

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

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

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

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

ACTING PRESIDENT O'MARA: Thank

you, Senator Fuschillo.

Senator Zeldin on the nomination.

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

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

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

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

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

Congratulations.

(Applause.)

ACTING PRESIDENT O'MARA: The Secretary will read.

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

ACTING PRESIDENT O'MARA: Senator Libous.

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

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

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

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

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

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

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

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

Congratulations.

(Applause.)

ACTING PRESIDENT O'MARA: The Secretary will read.

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

ACTING PRESIDENT O'MARA: Senator Libous.

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

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

SENATOR OPPENHEIMER: This gives

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

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

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

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

Thank you.

ACTING PRESIDENT O'MARA: Thank you, Senator.

Senator Stewart-Cousins on the nomination.

SENATOR STEWART-COUSINS: Thank

you, Mr. President.

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

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

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

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

ACTING PRESIDENT O'MARA: Thank you, Senator.

Senator Rivera on the nomination.

SENATOR RIVERA: Thank you, Mr. President.

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

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

(Laughter.)

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

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

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

And I am very thankful that the

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

Thank you, Mr. President.

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

Senator Fuschillo on the nomination.

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

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

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

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

I fully support the nomination.

Thank you very much.

ACTING PRESIDENT O'MARA: Thank you, Senator.

Senator Hassell-Thompson on the nomination.

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT O'MARA: Thank you, Senator.

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

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

Congratulations.

(Applause.)

ACTING PRESIDENT O'MARA: The Secretary will read.

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

ACTING PRESIDENT O'MARA: Senator Libous.

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

ACTING PRESIDENT O'MARA: Senator

Larkin on the nomination.

SENATOR LARKIN: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

Senator Ball on the nomination.

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

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

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

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

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

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

And, General, I rest at night and I

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

God bless you, and go Air Force.

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

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

Congratulations, Major General.

(Standing ovation.)

ACTING PRESIDENT O'MARA: Senator Libous.

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

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

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

ACTING PRESIDENT O'MARA: Motions and resolutions.

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

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

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

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

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

ACTING PRESIDENT O'MARA: On

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

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