

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9 January 9, 2013

10 12:17 p.m.

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14 REGULAR SESSION

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18 LIEUTENANT GOVERNOR ROBERT J. DUFFY, President

19 FRANCIS W. PATIENCE, Secretary

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

2 THE PRESIDENT: The Senate will
3 come to order.

4 Please rise for the Pledge of
5 Allegiance.

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

9 THE PRESIDENT: Thank you.

10 Today's invocation will be given
11 by the Most Reverend William Murphy, Bishop
12 of the Diocese of Rockville Centre, which
13 includes Nassau and Suffolk Counties. Bishop
14 Murphy has been bishop of the diocese since
15 September 5, 2001, and, with His Eminence
16 Cardinal Dolan and the other New York
17 bishops, compose the New York State Catholic
18 conference.

19 Please welcome Bishop Murphy.

20 (Applause.)

21 BISHOP MURPHY: In the interests
22 of full disclosure, I will admit that I'm a
23 constituent of the 9th Senate District.

24 (Laughter; applause.)

25 BISHOP MURPHY: But I promised

1 Senator Skelos that I will be brief and that this
2 prayer will have a beginning, a middle and an
3 end.

4 Blessed are You, Lord, God of all
5 creation, whose goodness fills our hearts this
6 day with joy and hope. Blessed are You for You
7 have brought us to this day to work in harmony
8 and peace.

9 The members of this august Senate
10 come from all parts of the great State of
11 New York, O Lord. They represent the traditions
12 of two great political parties, with all of the
13 richness, variety, and points of view and
14 plethora and plans and projects, hopes, and
15 dreams that make up the political process.

16 Blessed are You who bring them all
17 together in relationships old and new,
18 friendships long-standing and just beginning,
19 responsibilities common to all.

20 In You, Lord our God, all things
21 have their beginning, continuation, and end.
22 Grace us with Your saving presence and help them
23 with Your constant help so that together they may
24 work and pray and share ideas and insights in
25 such a way that they will show respect to one

1 another, esteem for each person's dignity, with a
2 common commitment to deal honestly, justly with
3 one another.

4 May their justice be inspired by
5 wisdom and may their courage be guided by
6 prudence so that they may, in all that they say
7 and do during this session, build up a mutual
8 commitment to work for all the citizens of our
9 state and for the common good of all.

10 Lord, may everything that we all do,
11 the members of this Senate as well as all
12 citizens of New York, begin with Your inspiration
13 and continue with Your help so that all our
14 prayers and works beginning in You may be happily
15 ended.

16 Glory and praise to You forever and
17 ever, and may we all say amen.

18 THE ASSEMBLAGE: Amen.

19 THE PRESIDENT: Thank you, Bishop.

20 Welcome to the first session of
21 2013.

22 And due to the Governor's State of
23 the State speech, I have to step away, so I'd
24 like to ask Senator John Flanagan to please step
25 up and preside over the Senate.

1 Senator?

2 ACTING PRESIDENT FLANAGAN: The
3 Chair now hands down a message from the State
4 Board of Elections, being the official
5 certification of the duly elected members of the
6 Senate, and directs that the same be filed.

7 And I would state for the record
8 that Mr. Amedore's certification is contained in
9 the board's certification pending a judicial
10 decision.

11 So ordered.

12 I'd like to ask if there are any
13 Senators present who have not taken their oaths
14 of office to please rise.

15 Seeing none, the Secretary will call
16 the roll to ascertain a quorum.

17 THE SECRETARY: Senator Adams.

18 SENATOR ADAMS: Aye.

19 THE SECRETARY: Senator Addabbo.

20 SENATOR ADDABBO: Here.

21 THE SECRETARY: Senator Avella.

22 SENATOR AVELLA: Here.

23 THE SECRETARY: Senator Ball.

24 SENATOR BALL: Here.

25 THE SECRETARY: Senator Bonacic.

1 SENATOR BONACIC: Here.
2 THE SECRETARY: Senator Boyle.
3 SENATOR BOYLE: Here.
4 THE SECRETARY: Senator Breslin.
5 SENATOR BRESLIN: Here.
6 THE SECRETARY: Senator
7 Carlucci.
8 SENATOR CARLUCCI: Here.
9 THE SECRETARY: Senator
10 DeFrancisco.
11 SENATOR DeFRANCISCO: Here.
12 THE SECRETARY: Senator Diaz.
13 SENATOR DIAZ: Presente.
14 THE SECRETARY: Senator Dilan.
15 SENATOR DILAN: Present.
16 THE SECRETARY: Senator Espaillet.
17 SENATOR ESPAILLET: Here.
18 THE SECRETARY: Senator Farley.
19 SENATOR FARLEY: Here.
20 THE SECRETARY: Senator Felder.
21 SENATOR FELDER: Here.
22 THE SECRETARY: Senator Flanagan.
23 SENATOR FLANAGAN: Here.
24 THE SECRETARY: Senator Fuschillo.
25 SENATOR FUSCHILLO: Here.

1 THE SECRETARY: Senator Gallivan.
2 SENATOR GALLIVAN: Here.
3 THE SECRETARY: Senator Gianaris.
4 SENATOR GIANARIS: Here.
5 THE SECRETARY: Senator Gipson.
6 SENATOR GIPSON: Here.
7 THE SECRETARY: Senator Golden.
8 (No response.)
9 THE SECRETARY: Senator Griffo.
10 SENATOR GRIFFO: Here.
11 THE SECRETARY: Senator Grisanti.
12 SENATOR GRISANTI: Here.
13 THE SECRETARY: Senator Hannon.
14 SENATOR HANNON: Here.
15 THE SECRETARY: Senator
16 Hassell-Thompson.
17 SENATOR HASSELL-THOMPSON: Here.
18 THE SECRETARY: Senator Hoylman.
19 SENATOR HOYLMAN: Here.
20 THE SECRETARY: Senator Kennedy.
21 SENATOR KENNEDY: Here.
22 THE SECRETARY: Senator Klein.
23 SENATOR KLEIN: Here.
24 THE SECRETARY: Senator Krueger.
25 SENATOR KRUEGER: Here.

1 THE SECRETARY: Senator Lanza.

2 SENATOR LANZA: Here.

3 THE SECRETARY: Senator Larkin.

4 SENATOR LARKIN: Here.

5 THE SECRETARY: Senator Latimer.

6 SENATOR LATIMER: Here.

7 THE SECRETARY: Senator LaValle.

8 SENATOR LaVALLE: Here.

9 THE SECRETARY: Senator Libous.

10 SENATOR LIBOUS: Here.

11 ACTING PRESIDENT FLANAGAN: Senator

12 Skelos, a quorum is present.

13 I'm going to hand down a
14 communication from the Governor of the State of
15 New York, and the Secretary will read.

16 THE SECRETARY: "Dear Senators:

17 "I would appreciate the privilege of
18 the presence of all the Members of the New York
19 State Senate at the Empire State Plaza Convention
20 Center on January 9, 2013 at 1:30 p.m.

21 "Very truly yours, Andrew M. Cuomo."

22 ACTING PRESIDENT FLANAGAN: To be
23 filed in the Journal.

24 Senator Libous.

25 SENATOR LIBOUS: Thank you,

1 Mr. President.

2 At this time I hand up the following
3 resolution and ask that the title be read. And I
4 move for its immediate adoption, please.

5 ACTING PRESIDENT FLANAGAN: The
6 Clerk will read.

7 SENATOR GIANARIS: Mr. President.

8 ACTING PRESIDENT FLANAGAN:
9 Senator Gianaris, why do you rise?

10 SENATOR GIANARIS: Point of order.
11 Is this the resolution to select the Temporary
12 President, or what exactly -- where are we in the
13 process?

14 ACTING PRESIDENT FLANAGAN: The
15 Secretary will read the title.

16 THE SECRETARY: Senate Resolution
17 by Senators Skelos and Klein to adopt the Rules
18 of the Senate for the years 2013-2014.

19 SENATOR GIANARIS: Mr. President, I
20 believe there's a substitute resolution at the
21 desk. I ask that the title of that resolution be
22 read and move for immediate adoption.

23 ACTING PRESIDENT FLANAGAN:
24 Senator Gianaris, your resolution is out of
25 order. And we will move on Senator Libous's

1 resolution.

2 SENATOR GIANARIS: Mr. President,
3 I'd like to appeal your ruling and be given the
4 opportunity to be heard on it, please.

5 ACTING PRESIDENT FLANAGAN:
6 Senator Gianaris.

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

9 I believe we're about to consider
10 rules that we have had about 12 hours to
11 consider. And by all accounts, these rules
12 contain historically unprecedented changes to the
13 way this chamber functions.

14 Now, we certainly understand that
15 majority rules in this house, and those who have
16 the votes can draft rules and pass them as they
17 see fit. But in the interests of transparency,
18 in the interests of small D democracy, I think it
19 would only be appropriate, where we're
20 considering something historically unprecedented
21 in the history of this chamber, that every member
22 be given the opportunity to study these rules,
23 which are 26 pages long, analyze them, and have a
24 proper discussion on this floor about them.

25 In that vein, the substitute

1 resolution which I offered that you have ruled
2 out of order would put into place the rules that
3 were in place last year, word for word, with an
4 expiration date of Monday, so that this entire
5 chamber can have the next few days to review the
6 proposed rules and we can have a proper
7 discussion not on a day when we have to move
8 quickly out of the chamber in order to attend the
9 Governor's State of the State speech.

10 I don't believe it would hinder the
11 proceedings of this house in any way to do that.
12 And I would ask that we be given that
13 opportunity. It is exactly what was done two
14 years ago. The final rules of this house were
15 not adopted until January 30th two years ago.
16 And the rules as they existed prior to that were
17 kept in place for that interim period. And I
18 would ask that we be given that opportunity
19 again.

20 And therefore, I would like to
21 advocate a vote overruling your ruling,
22 Mr. President.

23 ACTING PRESIDENT FLANAGAN: Thank
24 you, Senator Gianaris.

25 The question is on the appeal of the

1 ruling of the chair. Those in favor of
2 overruling the chair signify by saying aye.

3 (Response of "Aye.")

4 SENATOR GIANARIS: Can we have a
5 show of hands, Mr. President?

6 ACTING PRESIDENT FLANAGAN: All
7 those in favor of overruling the chair please
8 raise your hands.

9 (Show of hands.)

10 ACTING PRESIDENT FLANAGAN: The
11 Chair is sustained.

12 Senator Libous, on your resolution.
13 All those in favor signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT FLANAGAN: Those
16 opposed?

17 Senator Krueger, why do you rise?

18 SENATOR KRUEGER: I believe at the
19 moment it's a point of order, because I was under
20 the impression we were going to have an
21 opportunity to debate the resolution. So I'm a
22 little confused about an immediate calling of a
23 vote on a resolution.

24 My question is, where are we in that
25 process?

1 ACTING PRESIDENT FLANAGAN:

2 Senator Krueger, the resolution is before the
3 body. I moved for passage of that resolution
4 because no one had risen to speak.

5 SENATOR KRUEGER: I'm sorry,
6 Mr. President. I'm just getting clarification
7 from counsel.

8 I'm sorry, Mr. President. You
9 didn't ask, when you were calling the resolution,
10 whether there were any members who wanted to
11 speak on the resolution. So I'm asking now, may
12 I please have an opportunity to raise questions
13 and speak on the resolution?

14 ACTING PRESIDENT FLANAGAN:
15 Senator Krueger.

16 SENATOR KRUEGER: Thank you very
17 much.

18 And just, again, point of order
19 before I start. May I have the opportunity to
20 ask questions about the Rules resolution in
21 addition to speaking on it?

22 ACTING PRESIDENT FLANAGAN:
23 Senator Krueger, to your inquiry, yes, you may
24 speak on the resolution and you may ask questions
25 as well.

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

3 So as my colleague Senator Gianaris
4 mentioned, we only received these rules -- to be
5 fair, I received an email I believe with a copy
6 at around midnight, but I confess I had fallen
7 asleep, so I didn't actually see them till this
8 morning. Some of my other colleagues might have
9 been up later than I.

10 So I only have some initial
11 questions today that will no doubt require more
12 thought by all of us to really understand
13 substantive changes in these rules as being
14 proposed.

15 So really my first question is about
16 something that I didn't see in the rules, which
17 was any of the details of power sharing in the
18 new Coalition Majority. There is explanation of
19 Coalition Majority, but there's no details about
20 the power sharing that we have actually read
21 about in the papers.

22 And in fact when I did read the
23 newspaper this morning, I was told that there's
24 an MOU, memorandum of understanding, that
25 actually lays out much of more of the details

1 since it was absent in the rules.

2 So may we -- I'm sorry, who am I
3 asking questions of, Mr. President? Senator
4 Skelos?

5 ACTING PRESIDENT FLANAGAN:
6 Senator Hannon. Senator Krueger, I believe
7 Senator Hannon or Senator Valesky will be happy
8 to answer questions.

9 SENATOR KRUEGER: Thank you.

10 So through you, Mr. President.
11 Senator Hannon, can have I have a copy of the MOU
12 that lays out the details that we do not have in
13 front of us today?

14 SENATOR HANNON: First of all,
15 Mr. President, let me point out that these rules
16 are historically different because there is now a
17 Majority Coalition. And that is the major
18 change, because of the alignment of the
19 Republicans and the Independent Democratic
20 Coalition.

21 So that's the major thing that takes
22 place. Everything flows from that, although
23 there are some major innovative procedural rights
24 that are now given to members in regard to
25 bringing issues before the floor, bringing issues

1 to the floor, bringing issues to the committees
2 and causing public hearings to take place --
3 unprecedented democracy being visited with each
4 of the members.

5 The question you asked is about
6 something that's not in the rules. And I
7 understand in order to have a Majority Coalition
8 there has to be discussions among the members of
9 the coalition. And I understand those
10 discussions have taken place. Sometimes they may
11 have or may not have reduced it to paper, but I
12 don't think it's ever been final, because this is
13 a process of ongoing consultation among the
14 members of the Majority Conference, and that's
15 going to have to take place.

16 So there is no memorandum to give
17 you.

18 SENATOR KRUEGER: Through you,
19 Mr. President, my understanding is whether or not
20 there's a document in place that may be evolving,
21 currently it is secret and we may not see a
22 memorandum of understanding.

23 SENATOR HANNON: There's no
24 secrets, Senator.

25 SENATOR KRUEGER: You know, I have

1 a time limit --

2 SENATOR HANNON: There's no secrets
3 to anything. It's a question of how do people
4 work together, how does this body function to
5 discharge its obligation under the Constitution
6 to do the business of the people and also to
7 organize in a way that Article 3, Section 9
8 requires it to do it. And that's what's taking
9 place.

10 SENATOR KRUEGER: I couldn't
11 agree --

12 SENATOR HANNON: So discussions
13 that take place among --

14 ACTING PRESIDENT FLANAGAN:
15 Senator Krueger and Senator Hannon, we have an
16 extremely busy day ahead of us. I would request
17 everyone to go through the chair.

18 Senator Krueger, are you asking
19 Senator Hannon to continue to yield?

20 SENATOR KRUEGER: Yes.

21 ACTING PRESIDENT FLANAGAN:
22 Senator Hannon, will you yield?

23 SENATOR HANNON: Yes.

24 ACTING PRESIDENT FLANAGAN: Senator
25 Krueger.

1 SENATOR KRUEGER: Thank you.

2 And I certainly agree with Senator
3 Hannon, the rules are intended to make explicit
4 how this legislative body functions. Which is
5 why it's so important for us all to have a chance
6 to see it in writing, have more than 12 hours, or
7 perhaps have a chance to see documents that we
8 are not being provided at this point.

9 Senator Hannon already raised my
10 next question. He says it democratizes the
11 process and makes it easier to accomplish things
12 and bring to the floor.

13 Now, quite a few sections of this
14 new rules changes the formula for votes from a
15 simple majority to a 3/5 supermajority model.

16 So under the old rules, you could
17 bring a motion to the floor for consideration of
18 bills with a simple majority. That has moved to
19 three-fifths, meaning it would require 38 out of
20 63 members. How does that make it simpler to
21 bring things to the floor if you need a 3/5 vote,
22 a supermajority?

23 SENATOR HANNON: It's more widely
24 available. And by adding in a requirement that
25 allows one-third of the members of a committee to

1 put an issue on the committee agenda, it starts
2 the whole process for policy formation, for
3 policy debate, for bringing things. Once it's
4 been brought before a committee, if that
5 committee approves, then it's going to have a
6 certain impetus that issues tend to gather
7 because of the work of the members and the work
8 of the press.

9 And that's why it would ultimately
10 wind up with greater considerations than we've
11 had before.

12 SENATOR KRUEGER: Through you,
13 Mr. President, does the sponsor know that the old
14 rules allowed the rule if one-third of the
15 members of a committee petitioned? That's the
16 case. So that's not new, we had that.

17 But does he know that now, even when
18 that takes place, it must go to the Secretary of
19 the Senate and the Temporary President? I'm just
20 trying to get the specific section to point out
21 that they have to approve the hearing.

22 So previously committee chairs
23 actually had the authority to approve
24 committees. But we are taking away power from
25 the committee chair, and they only can request a

1 hearing, which can be turned down. Is that
2 improved democracy?

3 SENATOR HANNON: First of all, I
4 don't believe your interpretation of the rules is
5 correct. The question of the petitions going to
6 the Secretary of the Senate is for administrative
7 convenience. It's not to give that Secretary of
8 the Senate any greater power, it's simply to
9 receive and transmit. Which is, frankly, a
10 function of a ministerial officer rather than the
11 function of the chair of a committee.

12 SENATOR KRUEGER: And the speaker
13 also -- excuse me, Mr. President.

14 ACTING PRESIDENT FLANAGAN:
15 Senator Krueger, are you asking Senator Hannon to
16 continue to yield?

17 SENATOR KRUEGER: Yes, thank you,
18 Mr. President, I am.

19 ACTING PRESIDENT FLANAGAN: Senator
20 Hannon.

21 SENATOR KRUEGER: So Senator Hannon
22 also said that it will make it easier for bills
23 to come to the floor or to attempt to motion them
24 to the floor.

25 Now, we've already moved in these

1 rules from a 50 percent simple majority to a 3/5
2 supermajority, which makes it statistically
3 almost impossible to happen. And we've reduced
4 the number that you can try, because now a member
5 can only motion for chamber consideration -- two
6 allowed per day, must serve written notice of one
7 legislative calendar day. And you are only
8 entitled, I believe, per Senator to make three
9 motions per year on bringing bills to the floor.
10 It was unlimited before.

11 Now, granted, it was unlimited but
12 you needed 50 percent majority. So I can't even
13 remember in my time here when we were successful
14 in minority in getting a win on a simple
15 majority.

16 But under the new rules, I, Liz
17 Krueger, would only have the opportunity on three
18 bills per year, and I would need a three-fifths
19 majority for it to pass. So how is that opening
20 up the process?

21 SENATOR HANNON: Well, first of
22 all, I'm glad you've had a chance to read through
23 the rules, although whatever I say is black
24 you'll say is white, and vice versa.

25 How is it -- what it will do with

1 the three opportunities is say to each member,
2 These are my most important issues, these are the
3 things that I really want to have considered.

4 Under the past practices, we found
5 out that sometimes a member would petition for
6 everything, all of his or her bills. So that was
7 not adding to the process, that was not adding to
8 the policy debate that we want to see happening.

9 Take the issues that are most
10 important and put them forward.

11 SENATOR KRUEGER: Mr. President,
12 through you. I think I will speak on the bill
13 because I respect how short our time frame is and
14 the importance of our getting done in order to go
15 to the Governor's State of the State.

16 ACTING PRESIDENT FLANAGAN:
17 Senator Krueger on the resolution.

18 SENATOR KRUEGER: Thank you.

19 I want to thank Senator Hannon for
20 his comments. I clearly do not agree with his
21 interpretation of what these rules are.

22 But I'll start with the fact that
23 there's not that much different, so maybe he and
24 I could agree on that. The actual power-sharing
25 details are not there. Perhaps we will learn

1 about that in a future document made public to us
2 all; perhaps not.

3 There are several changes that
4 change the formula from a simple majority to a
5 supermajority requiring 38 out of 63 votes. I
6 believe that's unprecedented in other
7 legislatures throughout the country for basic
8 process. And I will take a projection today that
9 nothing moves with a supermajority.

10 So ironically, even though we've
11 created three conferences in this set of rules,
12 the math is such that there isn't any way for a
13 third conference to have an impact on the votes,
14 because you need 38. So you're not going to have
15 any actual votes on policy, procedure, process of
16 this legislature where a third conference can
17 make a difference, just for the record. So I'm
18 not sure I would have agreed to that.

19 It does reduce the ratio of funding
20 for the Democratic Conference to significantly
21 lower than last session, where it was 33 percent
22 of the central staff distribution to the
23 Democrats. And they've lowered it to 30.

24 For the record, we will be -- we are
25 42 percent of this house, and our percentage will

1 go up depending on the outcome of the unresolved
2 case for the 46th District. So having 30 percent
3 of the resources to provide the services to our
4 constituents in our districts we feel is a
5 blatant violation of the distribution of
6 democracy, small D.

7 The concept that you need
8 three-fifths majority for bringing a bill to
9 actually just a third reading on the calendar,
10 not an actual vote on the floor, certainly is not
11 an increase of opportunity for members to be able
12 to bring bills to the floor for a vote.

13 Committee representation has a new
14 provision saying that it can be -- excuse me.
15 There are some changes to committee
16 representation, but I actually think it decreases
17 the power of individual committees. It makes it
18 more complicated for committees to do their job
19 and try to move bills through to public hearings
20 and to the floor even if a third of the members
21 wish to.

22 It gives powers that are currently
23 in the hands of the President Pro Tem to the
24 Secretary of the Senate.

25 Now I would ask, why would the

1 President Pro Tem want to give up their power and
2 their authority? And if we're having two later
3 today, why would two of them want to give it up?

4 Well, here's the answer. The
5 Secretary of the Senate is hired and reports
6 directly to only one of the President Pro Tems;
7 that is, Dean Skelos, the head of the majority
8 Republican Party. So if you give the powers from
9 the President Pro Tem or remove it from the
10 legislative process and give it to the Secretary
11 of the Senate, then you're actually allowing one
12 entity to control all those decisions.

13 Now, a lot of it is administrative,
14 one can argue. But two that stood out to me
15 immediately would be who decides whether the
16 public and reporters are allowed on the floor of
17 the Senate or whether they will be shut out.

18 Now, I actually don't really accept
19 any scenario where the public and the process
20 should be shut out of the Senate. But it's very
21 disturbing to me that that will no longer even be
22 within the legislative purview of the rules but
23 rather simply at the decision-making of the
24 Secretary of the Senate hired directly by
25 Senator Skelos.

1 Because I believe you need a very,
2 very strong set of requirements in order to shut
3 the public and the press out of the floor of the
4 Senate. We are doing the people's business. It
5 should be done in public.

6 It also moves the authority about
7 what goes on the Internet -- what public hearing
8 announcements, what information flows through the
9 Internet -- again to the Secretary of the
10 Senate. Some of those powers now are currently
11 within simply the Bill Drafting Commission and
12 the Legislative Library.

13 I'm very concerned that we're
14 attempting to politicize and control the flow of
15 information through the Internet, which we know
16 in the 21st century is in fact the most widely
17 used source of information about legislative
18 business, about bills, about announcements about
19 public hearings, about the recording of our
20 committees and what goes on on the floor.

21 So when you tie together that you're
22 giving the power to the Secretary of the Senate
23 to decide what gets televised, who can be here
24 listening, what goes on the Internet, this is
25 very disturbing to me. I have to say this is

1 probably the most disturbing change that I see
2 now right now in the rules, because by and large
3 there's not very much that different.

4 In fact, since I heard members of
5 the new Coalition Majority talking about being
6 committed to bipartisan government that places
7 progress over politicking, I was actually
8 expecting something that would revolutionize the
9 Senate and perhaps could move us forward into a
10 post-partisan era of cooperation where we're
11 individually empowered to deal with important
12 issues, get votes done, and debate the bills that
13 deserve being debated in the public that can be
14 seen on Internet and the press.

15 But that's not what I see here. I'm
16 reserving complete judgment, because as we
17 already said, we feel that there was not enough
18 time at all for anyone, including the public, to
19 review what's actually in the rule changes. But
20 mostly what I'm telling you I see is same old,
21 same old.

22 The rules of the chamber were
23 provided to us in the middle of last night and
24 then were leaked to the media, sort of same old,
25 same old. They didn't reform the operations of

1 the chamber. In fact, there were steps taken
2 backwards, away from reforms previously embraced
3 by both Democrat and Republican majorities. They
4 once again take resources from the minority in an
5 attempt to further disenfranchise our
6 constituents and make it even harder for duly
7 elected Democratic members of the Senate to
8 analyze legislation and present our own
9 legislation.

10 They move us further than ever
11 before in the direction of institutionalizing
12 Republican control of this body and legislative
13 operations, with new provisions like a
14 supermajority requirement is required to change
15 the rules in any way, sharply limiting the
16 members' ability to even petition for open
17 consideration of their bills, putting a partisan
18 Secretary of the Senate in charge of even the
19 most basic functions.

20 The Majority Coalition could have
21 proved us wrong and taken this chamber in a bold
22 new direction. Instead, we're taking a trip back
23 in time to the bad old Albany.

24 The Democratic Conference will
25 continue to work for the progressive changes

1 New Yorkers voted for, and will continue to offer
2 productive solutions, not the same old late-night
3 Albany power plays and last minute
4 bait-and-switches.

5 Thank you, Mr. President. I'll be
6 voting no.

7 ACTING PRESIDENT FLANAGAN: Thank
8 you, Senator Krueger.

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

11 (Response of "Aye.")

12 ACTING PRESIDENT FLANAGAN: All
13 those in favor of the resolution please raise
14 your hands.

15 (Raise of hands.)

16 ACTING PRESIDENT FLANAGAN: All
17 those in opposition please raise your hands.

18 (Raise of hands.)

19 ACTING PRESIDENT FLANAGAN: The
20 Clerk will announce the results.

21 THE SECRETARY: Ayes, 36.

22 ACTING PRESIDENT FLANAGAN:
23 Senator Libous, the resolution is adopted.

24 Senator Skelos, I would ask that you
25 now rise and state for the record that you are in

1 fact the Republican Conference leader.

2 SENATOR SKELOS: Yes, I have been
3 elected by my colleagues as Republican Conference
4 leader.

5 ACTING PRESIDENT FLANAGAN: Thank
6 you. Congratulations.

7 (Extended applause.)

8 ACTING PRESIDENT FLANAGAN: Let the
9 record and the applause reflect the fact that
10 Senator Skelos is the Republican Conference
11 leader.

12 Senator Klein, I would ask that you
13 rise and state for the record that you are the
14 Independent Democratic Conference leader.

15 SENATOR KLEIN: Mr. President, I am
16 the Independent Democratic Conference leader.

17 ACTING PRESIDENT FLANAGAN:
18 Congratulations, and thank you.

19 (Extended applause.)

20 ACTING PRESIDENT FLANAGAN: Let the
21 record as well reflect the fact that
22 Senator Klein is the Independent Democratic
23 Conference leader.

24 And Senator Stewart-Cousins, I would
25 ask that you rise and state for the record that

1 you are in fact the Democratic Conference leader.

2 SENATOR STEWART-COUSINS: Yes, I am
3 the Democratic Conference leader.

4 (Extended applause.)

5 ACTING PRESIDENT FLANAGAN: Let the
6 record reflect as well that Senator
7 Stewart-Cousins is the duly elected leader of the
8 Democratic Conference.

9 Senator Libous.

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

12 I believe I have a resolution at the
13 desk, and I would ask that the title be read and
14 we move for its immediate adoption.

15 ACTING PRESIDENT FLANAGAN: The
16 Secretary will read the resolution.

17 THE SECRETARY: Senate Resolution
18 by Senators Libous and Valesky, providing for the
19 election of Dean G. Skelos and Jeffrey D. Klein
20 as alternating Temporary President of the Senate
21 for the years 2013-2014.

22 ACTING PRESIDENT FLANAGAN:
23 Senator Gianaris, why do you rise?

24 SENATOR GIANARIS: Mr. President, I
25 believe there's a substitute resolution at the

1 desk. I ask that the title be read and move for
2 its immediate adoption.

3 ACTING PRESIDENT FLANAGAN: The
4 Secretary will read the resolution.

5 SENATOR LIBOUS: Mr. President.

6 ACTING PRESIDENT FLANAGAN: Senator
7 Libous.

8 SENATOR LIBOUS: On unanimous
9 consent, we will allow the substitute resolution
10 to be read.

11 ACTING PRESIDENT FLANAGAN: On
12 unanimous consent, the resolution will be read.

13 THE SECRETARY: Senate Resolution
14 by Senator Gianaris, providing for the election
15 of Senator Andrea Stewart-Cousins as Temporary
16 President and Majority Leader of the Senate for
17 2013-2014.

18 ACTING PRESIDENT FLANAGAN:
19 Senator Gianaris, I assume that you would like to
20 be heard on this resolution.

21 SENATOR GIANARIS: I would,
22 Mr. President. Thank you very much.

23 ACTING PRESIDENT FLANAGAN:
24 Senator Gianaris.

25 SENATOR GIANARIS: This resolution

1 contains a historic nomination. As it is a day
2 of unprecedented activity in this chamber, we
3 should have one more. And that is for the first
4 time in the history of New York State, a woman is
5 being nominated to be a legislative leader in
6 this chamber.

7 (Sustained applause.)

8 SENATOR GIANARIS: And while that
9 is certainly noteworthy and cause for the
10 applause we just heard, let's be clear: This is
11 no ordinary woman that's being nominated here.

12 (Applause.)

13 SENATOR GIANARIS: Senator Andrea
14 Stewart-Cousins has a distinguished career not
15 only here as a colleague in the State Senate, but
16 throughout her life, which started with humble
17 beginnings and saw her rise to be a tremendous
18 leader in New York State government.

19 Among her background she's served as
20 a teacher, showing that tremendous love she has
21 in caring for the youth of our state, as well as
22 a journalist, which we will try not to hold
23 against her.

24 (Laughter.)

25 SENATOR GIANARIS: But her work as

1 a public servant is what stands out the most, not
2 only here in the Senate but as a member of the
3 Westchester County Legislature. She has been a
4 champion of human rights, living wage laws,
5 smoke-free workplaces, prosecuting predatory
6 lenders, tax cuts for seniors and veterans, and
7 perhaps most timely and most importantly as we
8 stand here today, a leader in toughening the gun
9 laws of our state.

10 It is a great honor for me to have
11 the opportunity to place her name in nomination
12 to be the Temporary President of this body. And
13 I would ask all my colleagues in this chamber to
14 recognize the historic nature of this nomination
15 and vote to elect Andrea Stewart-Cousins
16 Temporary President of the Senate. Thank you.

17 (Applause.)

18 ACTING PRESIDENT FLANAGAN: The
19 question is on the substitute resolution offered
20 by Senator Gianaris. All those in favor of that
21 resolution --

22 SENATOR GIANARIS: Show of hands,
23 Mr. President.

24 ACTING PRESIDENT FLANAGAN: -- with
25 a show of hands, signify by raising your hands.

1 (Show of hands.)

2 ACTING PRESIDENT FLANAGAN: All
3 those opposed.

4 (Show of hands.)

5 ACTING PRESIDENT FLANAGAN: The
6 substitute resolution is defeated.

7 Announce the results.

8 THE SECRETARY: Ayes, 26.

9 ACTING PRESIDENT FLANAGAN: Senator
10 Libous, your resolution is before the house.

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

13 SENATOR GIANARIS: Mr. President --
14 I'm sorry.

15 SENATOR LIBOUS: Go ahead, Senator.

16 SENATOR GIANARIS: I would like to
17 make a motion to divide the question contained in
18 this resolution into two separate resolutions.

19 ACTING PRESIDENT FLANAGAN: Senator
20 Gianaris, your motion is out of order. This is a
21 privileged question before the house, and there
22 are no subsidiary motions.

23 Senator Libous.

24 SENATOR GIANARIS: I would like to
25 appeal the decision of the chair and be given a

1 brief opportunity to explain my appeal.

2 ACTING PRESIDENT FLANAGAN: Senator
3 Gianaris.

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

6 Through custom and tradition in this
7 house, we have referred to authorities to dictate
8 the procedures of this house. One of the -- in
9 fact, the main authority we've used has been
10 Mason's Manual of Legislative Procedure. It is
11 particularly authoritative in this case because
12 we have rules that were adopted only moments ago
13 that many of us have not had a chance to review.

14 Mason's is very clear that when more
15 than one question is contained in a resolution
16 that any member may call for its division so that
17 each question may be voted upon separately
18 without being compelled to accept matters
19 embraced in other parts of the measure.

20 In fact, Section 313, subdivision 3
21 of Mason's specifically addresses the exact type
22 of resolution that is before us at this moment.
23 And it says wherever there are several names
24 contained in a question, they must on demand be
25 put to a vote separately.

1 In this case we have two names in
2 nomination on this resolution to be elected to
3 one position. It seems like it's something very
4 specifically contemplated by Mason's and
5 something that, on the demand of any member,
6 should be separated into two separate votes.

7 I as a member of this body make such
8 a demand, Mr. President.

9 ACTING PRESIDENT FLANAGAN: The
10 question is on the appeal of the ruling of the
11 chair.

12 Senator Gianaris, I don't want to
13 make any assumptions, but I assume you would want
14 a hand vote as well?

15 SENATOR GIANARIS: Yes, please.

16 ACTING PRESIDENT FLANAGAN: Those
17 in favor of overruling the chair signify by
18 raising your hands.

19 (Show of hands.)

20 ACTING PRESIDENT FLANAGAN: Those
21 opposed?

22 (Show of hands.)

23 ACTING PRESIDENT FLANAGAN: The
24 Clerk will announce the results.

25 THE SECRETARY: Ayes, 26.

1 ACTING PRESIDENT FLANAGAN: The
2 Chair is sustained.

3 Senator Libous, your resolution is
4 before the house.

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

7 ACTING PRESIDENT FLANAGAN: Senator
8 Libous, the title has been read and the
9 resolution is before the house.

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

12 I stand to speak on this historic
13 resolution, something that's never been done in
14 this chamber before, to set up what we have as
15 not only a coalition government but the
16 Temporary President in the names of Dean Skelos
17 and Jeff Klein.

18 I want to speak about Dean Skelos.
19 And, Mr. President, I want to state that at no
20 time shall more than one of the coalition
21 leaders, Senator Skelos or Senator Klein, serve
22 as Temporary President.

23 For the last several years,
24 Senator Skelos has led this house and our
25 conference. He has because a very dear friend to

1 me and to everyone in the Republican Conference.

2 During very difficult times over the
3 last two years he has showed his leadership by
4 working with the Democratic Governor and helping
5 this state move forward by getting two early
6 on-time budgets, budgets without tax increases,
7 changing the direction, the fiscal direction of
8 the state, protecting our children, and doing so
9 many things that this state had needed for so,
10 many years and such a long time.

11 It's because of his leadership of
12 this conference that we have moved this state in
13 a position where we can continue to move forward
14 and do great things. Senator Skelos possesses
15 the leadership quality that a Temporary President
16 should have in leading this body in a coalition
17 government, a new coalition government. That's
18 something that I think we are all very excited to
19 see move forward.

20 So, Mr. President, it is indeed an
21 honor for me to speak on this resolution to
22 support my friend and colleague, Republican
23 leader Dean Skelos and Temporary President of the
24 Senate. And I would hope that all the members
25 would join me unanimously in supporting this

1 resolution.

2 ACTING PRESIDENT FLANAGAN: Thank
3 you, Senator Libous.

4 The Chair recognizes
5 Senator Valesky.

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

8 First of all, I certainly want to
9 assure anyone who may have questions on this
10 resolution that at no time shall more than one of
11 the coalition leaders, Senator Klein and
12 Senator Skelos, serve in the capacity as
13 Temporary President. I think that's fairly clear
14 if you read the resolution. But for the record,
15 that is certainly the case.

16 I have been privileged to serve now
17 in the State Senate for eight years. And eight
18 years ago, then-Assemblyman Jeff Klein and I were
19 on the ballot together running for the State
20 Senate. And eight years ago this month, when he
21 and I arrived with a number of other
22 colleagues -- Senator Savino as well, and many
23 others here today -- as part of the Class of
24 2005, I had an opportunity and continue to have
25 an opportunity to work on a daily basis with

1 Senator Klein.

2 I've got to know him, I've got to
3 develop a close personal friendship with him.
4 And those of you who know Senator Klein, who have
5 worked with Senator Klein in one capacity or
6 another either here in this Senate, previously in
7 his career in the State Assembly, or in his many
8 other roles, know without a doubt of the
9 tremendous tenacity that Jeff Klein has on behalf
10 of public service.

11 No one in this chamber, as hard as
12 we all work, I am convinced that no one in this
13 chamber works harder on behalf not only of his
14 constituents but of all of the people, all
15 19.5 million people in New York State. There is
16 not a moment that goes by that Senator Klein does
17 not have the best interests of the people of this
18 state in mind.

19 And for that reason, Mr. President,
20 I am incredibly proud and honored to be able to
21 speak on behalf of this resolution and on behalf
22 of Senator Klein, who is truly a statewide leader
23 in this great Empire State.

24 Thank you.

25 ACTING PRESIDENT FLANAGAN: Thank

1 you, Senator Valesky.

2 The question is on the resolution.

3 By a show of hands, all those in favor of the
4 resolution raise your hands, please.

5 (Show of hands.)

6 ACTING PRESIDENT FLANAGAN: All
7 those opposed, please raise your hands.

8 (Show of hands.)

9 ACTING PRESIDENT FLANAGAN: The
10 Clerk will announce the results.

11 THE SECRETARY: Ayes, 36.

12 ACTING PRESIDENT FLANAGAN: Senator
13 Skelos, Senator Klein, congratulations. I ask
14 that you come forward so that we may properly
15 swear you in.

16 (Applause.)

17 ACTING PRESIDENT FLANAGAN: For the
18 record, Senator Libous, I left out a very salient
19 point. The resolution is adopted.

20 (Laughter.)

21 ACTING PRESIDENT FLANAGAN: Senator
22 Skelos is joined by his beautiful wife Gail, his
23 father, his son Adam, and the future
24 Majority Leader of the New York State Senate, the
25 new Dean Skelos.

1 (Laughter.)

2 ACTING PRESIDENT FLANAGAN: Senator
3 Skelos will be sworn in by the Honorable Peter
4 Skelos, his brother.

5 JUDGE PETER SKELOS: Raise your
6 right hand and repeat after me:

7 I -- state your full name --

8 SENATOR SKELOS: I, Dean G.
9 Skelos --

10 JUDGE PETER SKELOS: -- do solemnly
11 swear --

12 SENATOR SKELOS: -- do solemnly
13 swear --

14 JUDGE PETER SKELOS: -- that I will
15 uphold the Constitution of the United States of
16 America --

17 SENATOR SKELOS: -- that I will
18 uphold the Constitution of the United States of
19 America --

20 JUDGE PETER SKELOS: -- and the
21 Constitution of the great State of New York --

22 SENATOR SKELOS: -- and the
23 Constitution of the great State of New York --

24 JUDGE PETER SKELOS: -- and I will
25 faithfully discharge --

1 SENATOR SKELOS: -- and that I will
2 faithfully discharge --

3 JUDGE PETER SKELOS: -- the duties
4 of the office of Temporary President Pro Tem of
5 the Senate of the State of New York --

6 SENATOR SKELOS: -- the duties of
7 the office of Temporary President Pro Tem of the
8 State Senate of the State of New York --

9 JUDGE PETER SKELOS: -- to the best
10 of my ability --

11 SENATOR SKELOS: -- to the best of
12 my ability --

13 JUDGE PETER SKELOS: -- so help me
14 God.

15 SENATOR SKELOS: -- so help me God.

16 JUDGE PETER SKELOS:
17 Congratulations.

18 (Applause.)

19 ACTING PRESIDENT FLANAGAN: Senator
20 Klein, will you please join the Honorable Peter
21 Skelos.

22 JUDGE PETER SKELOS: Please raise
23 your right hand and repeat after me:

24 I, state your full name --

25 SENATOR KLEIN: I, Senator Jeff

1 Klein --

2 JUDGE PETER SKELOS: -- do solemnly

3 swear --

4 SENATOR KLEIN: -- do solemnly

5 swear --

6 JUDGE PETER SKELOS: -- that I will

7 uphold the Constitution of the United States of

8 America --

9 SENATOR KLEIN: -- that I will

10 uphold the Constitution of the United States of

11 America --

12 JUDGE PETER SKELOS: -- and the

13 Constitution of the great State of New York --

14 SENATOR KLEIN: -- and the

15 Constitution of the great State of New York --

16 JUDGE PETER SKELOS: -- and that I

17 will faithfully discharge --

18 SENATOR KLEIN: -- and I will

19 faithfully discharge --

20 JUDGE PETER SKELOS: -- the duties

21 of the office --

22 SENATOR KLEIN: -- the duties of

23 the office --

24 JUDGE PETER SKELOS: -- of

25 Temporary President Pro Tem --

1 SENATOR KLEIN: -- of Temporary
2 President Pro Tem --

3 JUDGE PETER SKELOS: -- of the
4 Senate of the State of New York --

5 SENATOR KLEIN: -- of the Senate of
6 the State of New York --

7 JUDGE PETER SKELOS: -- to the best
8 of my ability --

9 SENATOR KLEIN: -- to the best of
10 my ability --

11 JUDGE PETER SKELOS: -- so help me
12 God.

13 SENATOR KLEIN: -- so help me God.

14 JUDGE PETER SKELOS:
15 Congratulations.

16 SENATOR KLEIN: Thank you, Judge.
17 (Applause.)

18 ACTING PRESIDENT FLANAGAN: Senator
19 Libous.

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

22 I believe there's a resolution at
23 the desk. I ask that the title be read and we
24 move for its immediate adoption.

25 ACTING PRESIDENT FLANAGAN: The

1 Secretary will read.

2 THE SECRETARY: Senate Resolution
3 by Senators Skelos and Klein, that Francis W.
4 Patience of Latham, New York, be, and he hereby
5 is elected Secretary of the Senate for the years
6 2013-2014.

7 ACTING PRESIDENT FLANAGAN: The
8 question is on the resolution. All those in
9 favor signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT FLANAGAN: Those
12 opposed, nay.

13 (No response.)

14 ACTING PRESIDENT FLANAGAN: The
15 resolution is adopted.

16 (Applause.)

17 ACTING PRESIDENT FLANAGAN: Judge
18 Skelos, before you do your work, I have an
19 obligation and a privilege to state for the
20 record that Francis W. Patience has been elected
21 Secretary of the Senate for the years 2013-2014.

22 And I am so happy for you, Frank.
23 Congratulations.

24 Frank is joined by his brother
25 Russell today.

1 JUDGE PETER SKELOS: Please state
2 your full name: I --
3 MR. PATIENCE: I, Francis W.
4 Patience --
5 JUDGE PETER SKELOS: -- do solemnly
6 swear --
7 MR. PATIENCE: -- do solemnly
8 swear --
9 JUDGE PETER SKELOS: -- that I will
10 uphold the Constitution of the United States of
11 America --
12 MR. PATIENCE: -- that I will
13 uphold the Constitution of the United States of
14 America --
15 JUDGE PETER SKELOS: -- and the
16 Constitution of the great State of New York --
17 MR. PATIENCE: -- and the
18 Constitution of the great State of New York --
19 JUDGE PETER SKELOS: -- and that I
20 will faithfully discharge --
21 MR. PATIENCE: -- and that I will
22 faithfully discharge --
23 JUDGE PETER SKELOS: -- the duties
24 of the office --
25 MR. PATIENCE: -- the duties of the

1 office --

2 JUDGE PETER SKELOS: -- of
3 Secretary of the Senate of the State of
4 New York --

5 MR. PATIENCE: -- of Secretary of
6 the Senate of the State of New York --

7 JUDGE PETER SKELOS: -- to the best
8 of my ability --

9 MR. PATIENCE: -- to the best of my
10 ability --

11 JUDGE PETER SKELOS: -- so help me
12 God.

13 MR. PATIENCE: -- so help me God.

14 JUDGE PETER SKELOS:
15 Congratulations.

16 (Applause.)

17 ACTING PRESIDENT FLANAGAN: Senator
18 Libous.

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

21 I believe there's another resolution
22 at the desk. I would ask that its title be read
23 and we please move for its immediate adoption.

24 ACTING PRESIDENT FLANAGAN: The
25 Secretary will read.

1 THE SECRETARY: Senate Resolution
2 by Senators Klein and Skelos, that George R.
3 Federoff be, and he hereby is elected
4 Sergeant-at-Arms of the Senate for the years
5 2013-2014.

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

9 (Response of "Aye.")

10 ACTING PRESIDENT FLANAGAN:
11 Opposed, nay.

12 (No response.)

13 ACTING PRESIDENT FLANAGAN: The
14 resolution is adopted.

15 Let the record reflect that
16 Mr. George Federoff has been elected
17 Sergeant-at-Arms for the Senate for the years
18 2013-2014.

19 Mr. Federoff, congratulations.

20 (Applause.)

21 ACTING PRESIDENT FLANAGAN: Senator
22 Libous.

23 SENATOR LIBOUS: Mr. President, in
24 the spirit of moving right along, there is
25 another resolution at the desk. If I could

1 please have you read its title and move for its
2 immediate adoption.

3 ACTING PRESIDENT FLANAGAN: The
4 Secretary will read.

5 THE SECRETARY: Senate Resolution
6 by Senators Skelos and Klein, that Catherine
7 Kirkland be, and she hereby is elected the
8 Official Stenographer of the Senate for the years
9 2013-2014.

10 ACTING PRESIDENT FLANAGAN: The
11 question is on the resolution. All those in
12 favor signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT FLANAGAN:
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT FLANAGAN: The
18 resolution is adopted.

19 And let the record reflect that
20 Ms. Catherine Kirkland is the Stenographer for
21 the State Senate for the years 2013-2014.

22 Congratulations.

23 (Applause.)

24 ACTING PRESIDENT FLANAGAN: Senator
25 Libous.

1 SENATOR LIBOUS: It's the toughest
2 job in the chamber, Mr. President, to listen to
3 all of us.

4 (Laughter.)

5 SENATOR LIBOUS: There is another
6 resolution at the desk, and I ask that its title
7 be read and we move for its immediate adoption.

8 ACTING PRESIDENT FLANAGAN: The
9 Secretary will read.

10 THE SECRETARY: Senate Resolution
11 by Senators Skelos and Klein, providing for the
12 hours of meeting by the Senate for the years
13 2013-2014.

14 ACTING PRESIDENT FLANAGAN: The
15 question is on the resolution. All those in
16 favor signify by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT FLANAGAN: Those
19 opposed, nay.

20 (No response.)

21 ACTING PRESIDENT FLANAGAN: The
22 resolution is adopted.

23 Senator Libous.

24 SENATOR LIBOUS: Mr. President, I
25 believe there's another resolution at the desk.

1 At this time could we have the title read and
2 move for its immediate adoption.

3 ACTING PRESIDENT FLANAGAN: The
4 Secretary will read.

5 THE SECRETARY: Senate Resolution
6 by Senators Skelos and Klein.

7 "RESOLVED, That the Temporary
8 President appoint a Committee of three to inform
9 the Governor that Dean G. Skelos and Jeffrey D.
10 Klein have been elected Temporary President of
11 the Senate for alternating terms for the years
12 2013-2014, and that the Senate is organized and
13 ready to proceed to the Governor's Message."

14 ACTING PRESIDENT FLANAGAN: The
15 question is on the resolution. All those in
16 favor signify by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT FLANAGAN:
19 Opposed, nay.

20 (No response.)

21 ACTING PRESIDENT FLANAGAN: The
22 resolution is adopted.

23 Senators Marchione, Carlucci and
24 O'Brien are appointed to wait upon the Governor
25 to inform him that the Senate is now ready to

1 proceed.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President,
4 there I believe is one more resolution at the
5 desk. And I would ask that its title be read and
6 we move for its immediate adoption.

7 ACTING PRESIDENT FLANAGAN: The
8 Secretary will read.

9 THE SECRETARY: Senate Resolution
10 by Senators Skelos and Senator Klein.

11 "RESOLVED, That the Temporary
12 President appoint a Committee of three to wait
13 upon the Assembly and inform that body that
14 Dean G. Skelos and Jeffrey D. Klein have been
15 elected Temporary President of the Senate for
16 alternating terms for the years 2013-2014, and
17 that the Senate is assembled and ready to proceed
18 to the Governor's Message."

19 ACTING PRESIDENT FLANAGAN: The
20 question is on the resolution. All those in
21 favor signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT FLANAGAN:
24 Opposed, nay.

25 (No response.)

1 ACTING PRESIDENT FLANAGAN: The
2 resolution is adopted.

3 Senators Boyle, Smith and Latimer
4 are appointed to wait upon the Assembly to inform
5 them that the Senate is ready to proceed.

6 I am so happy to recognize our
7 colleagues from the New York State Assembly,
8 Assemblyman Farrell and Assemblyman Oaks, and we
9 pray that you have good news for us.

10 ASSEMBLYMAN FARRELL: Yes, we do.
11 Mr. Oaks and I are delighted to inform you that
12 the Assembly has elected Sheldon Silver as
13 Speaker of the New York State Assembly and that
14 we are organized and ready to proceed with
15 business.

16 Is that correct, Mr. Oaks?

17 ASSEMBLYMAN OAKS: It is.

18 (Laughter.)

19 ACTING PRESIDENT FLANAGAN:

20 Gentlemen, thank you very much.

21 Senator Libous, at this time I'm
22 going to recognize Senator Stewart-Cousins for
23 remarks.

24 Senator Stewart-Cousins.

25 SENATOR STEWART-COUSINS: Thank

1 you, Mr. President.

2 And I just want to congratulate my
3 colleague Senator Skelos. I look forward to
4 working with you. And Senator Klein, really an
5 honor to be part of, as you said, a historic day
6 and a historic movement forward.

7 I also want to recognize certainly
8 all of the new members. But I think we just lost
9 one of -- two of our new members. But just to
10 let everyone know who our new Senators here are
11 on the Democratic side, I'd like to recognize
12 Senator Terry Gipson from the Hudson Valley.

13 (Applause.)

14 SENATOR STEWART-COUSINS: Senator
15 Brad Hoylman, from Manhattan.

16 (Applause.)

17 SENATOR STEWART-COUSINS: My
18 Westchester neighbor, Senator Latimer. I guess
19 he's already on his way to the Assembly.

20 (Applause.)

21 SENATOR STEWART-COUSINS: And
22 Senator Ted O'Brien, of Rochester, is on his way
23 to the Governor.

24 (Applause.)

25 SENATOR STEWART-COUSINS: And

1 Senator James Sanders, of Queens.

2 (Applause.)

3 SENATOR STEWART-COUSINS: We are
4 very, very happy, as I said, to welcome all of
5 our new members and certainly to welcome all of
6 our colleagues back for what I am sure will be a
7 wonderful and productive session.

8 As I stand here at this historic
9 moment, myself having the privilege of being the
10 first woman to lead a conference in the history
11 of the state, three things come to mind.

12 One, my parents, Beryl and Bob, who
13 aren't with me, but who never had the opportunity
14 to ever aspire to sitting in any of our seats,
15 much less dream that their daughter would be in a
16 position to be a legislative leader in this great
17 state.

18 And the second thing I think of is
19 because it's New York State, because we have a
20 legacy of leadership, because we are progressive,
21 we are able to take pride in moments like this.

22 And the third thing I have to say is
23 it's about time. It's about time.

24 (Laughter; applause.)

25 SENATOR STEWART-COUSINS: You know,

1 we were able, with the leadership of our
2 Governor, to do really good things. And I know
3 we're all looking forward to his message of what
4 his vision of the session is going forward.

5 We were able to move our economy,
6 bolster our jobs situation. We were able to show
7 that we could move. But we left a lot of things
8 undone. And I'm sure we're going to hear a lot
9 of the things that were left undone, not only
10 here but at the State of the State.

11 But it's important, because in this
12 historic moment that is this moment for me and
13 others because of expanded opportunities, the
14 things that we have to do are those things, to
15 expand opportunities.

16 Obviously we have to get to work on
17 making sure we rebuild after Sandy. We have to
18 make sure that every New Yorker who has been hurt
19 is able to get back on their feet and move on.
20 And we have to make sure, as we continue to push
21 our economy forward, that we understand that
22 there were people who sent us to do things that
23 expand their opportunities.

24 We need to understand the
25 opportunity for people being safe in New York.

1 We need to get our partisan differences aside and
2 come together on an expansion of how we can move
3 sensible gun laws. Sensible gun laws.

4 We need to ban assault weapons. We
5 need to, yes, expand opportunities for looking at
6 mental health situations. We need to expand how
7 we look at gun permits and how frequently we look
8 at them. And we need to look at background
9 checks. We need to expand the security in our
10 lives.

11 And we need also to expand the
12 economy for the lowest-wage workers. We need to
13 raise the minimum wage. We need to make sure
14 that people who are laboring at the very, very
15 lowest rung understand that they are part of an
16 economy in New York that includes them. We need
17 to raise the minimum wage.

18 We need to make sure that we are
19 expansive on women's health options, that we
20 don't lose our rights to decide in personal
21 matters. And we need to make sure that women are
22 actually paid equally. We need to pass pay
23 equity.

24 We need to expand the opportunities
25 for the Dreamers, these kids who are here,

1 brought here, no fault of their own. Giving so
2 much, having so much more to give. We need to
3 expand those opportunities for them.

4 We need to make sure that as we look
5 at our environment we expand the safety measures
6 for our drinking water, for our environment. We
7 need to make sure as we grow our economy that we
8 don't get smaller.

9 We talked about the rules, we talked
10 about rules taking back resources, taking back
11 opportunities for us to serve really
12 transparently, making it harder to move an
13 agenda. This is a moment, my colleagues, of an
14 opportunity to expand, to expand what is going to
15 happen in this unprecedented power sharing, where
16 someone different will be doing different things
17 every day.

18 It all works well if, while we are
19 moving forward in our leadership, we're
20 remembering the people of New York expect us to
21 be progressive and to expand their opportunities
22 on every level, and that the only history that's
23 going to make a difference in New York State
24 after all of these historic moments is the great
25 history that we write for the people we

1 represent.

2 This conference stands ready to work
3 with all of our partners. Let's get it done.

4 Thank you.

5 (Standing ovation.)

6 ACTING PRESIDENT FLANAGAN: Thank
7 you, Senator Stewart-Cousins.

8 The Chair recognizes Senator Klein.

9 SENATOR KLEIN: Thank you very
10 much, Mr. President. Thank you to my Republican
11 colleagues, my IDC colleagues, my Democratic
12 colleagues.

13 As we come together today, we usher
14 in not just a new year and a new legislative
15 session but in many ways a new chapter in the
16 revolutionary history of New York State. Today
17 we make a commitment that has never been made
18 before in the more than two centuries that the
19 New York State Legislature has been in
20 existence.

21 By formalizing and establishing a
22 first-of-its-kind coalition governing model, we
23 humbly acknowledge that our sum is greater than
24 our parts, and we send a clear message to the
25 residents of our great state that what really

1 matters is not where you choose to sit in this
2 chamber but whether you are willing to get things
3 done.

4 I want to thank my colleague
5 Senator Dean Skelos for having the courage and
6 foresight to undertake this unprecedented
7 effort. Senator, I know you, like I, are
8 committed to delivering major bipartisan results
9 for all New Yorkers.

10 As we clearly saw today, we have
11 another historic first, the first ever woman
12 leader of a Senate conference, Senator Andrea
13 Stewart-Cousins.

14 Senator, we've worked together on
15 many vital issues in the past, including
16 foreclosure prevention, property tax relief. And
17 I look forward to the productive work we will
18 continue to do in the weeks and months ahead
19 together on behalf of all New Yorkers.

20 I believe most of you would agree
21 that these changes are a significant sign of the
22 times. From this day forward it is no longer
23 acceptable to dig in your heels in personal
24 political combat at the expense of the welfare of
25 hardworking taxpayers of this state.

1 Coalition governing by its very
2 nature is an inclusive endeavor, not an exclusive
3 one. I have no doubt that our promise to create
4 this historic bipartisan governing model will be
5 the vehicle by which we can continue to build on
6 the tremendous progress we have achieved in the
7 past two years and the road that will lead us to
8 even more results for all New Yorkers.

9 This new year brings us a tremendous
10 opportunity to show New Yorkers that we can
11 govern in a practical, sensible, balanced way
12 with a spirit of cooperation. It means
13 recognizing that negotiation is not a dirty word
14 but rather a necessary element of meaningful
15 dialogue.

16 Working with Governor Cuomo and our
17 counterparts in the Assembly, I am confident that
18 major progressive reforms will be discussed and
19 debated this session -- among them, an increase
20 to the minimum wage, decriminalization of the
21 open possession of minute amounts of marijuana,
22 and opening up educational opportunity for all
23 New Yorkers. I am also confident we will see
24 these important pieces of legislation passed.

25 Let's be clear. The economic,

1 social and civic challenges of today call for us
2 to focus on what really matters, and that means
3 the positive, meaningful and lasting impact we
4 can have on the lives of millions of
5 New Yorkers. By working together in a bipartisan
6 fashion, we vow to remain focused on what these
7 issues are really about.

8 What the fight to raise the minimum
9 wage is really about is allowing millions of
10 hardworking New Yorkers across the state to
11 receive a paycheck they can actually live on.
12 And it is not only a moral imperative but an
13 economic incentive for New York State.

14 When we talk gun control, we aren't
15 talking about taking away anyone's rights but
16 securing the right of all New Yorkers to live in
17 a safe and free society.

18 We must also ensure that time and
19 resources and energy are committed to directing
20 and rebuilding efforts in the wake of
21 Superstorm Sandy. The bipartisan Senate task
22 force we've created will work to remove
23 roadblocks to recovery and focus in on developing
24 meaningful legislation aimed at disaster
25 prevention and protection in order to put all

1 New Yorkers on solid ground in the event of any
2 further future natural disaster.

3 As we work to relieve unnecessary
4 and burdensome regulations on small business, we
5 are not encouraging business owners to cut
6 corners but instead creating the conditions that
7 will get New York working again. In the past
8 three years, 794 new rules and regulations were
9 proposed by state entities, and nearly 95 percent
10 of them were adopted. On average, our small
11 businesses around our state are being buried
12 under more than a hundred new regulations each
13 year.

14 As many of you may know, I am a
15 second-generation American with grandparents who
16 arrived in the Bronx from Poland and Hungary
17 before the Second World War. My grandparents
18 were able to provide for their families through
19 small business efforts and entrepreneurial
20 efforts and in turn afforded me, their first
21 grandchild, to have a solid and secure
22 upbringing, attending public schools in the
23 Bronx.

24 I was the first in my family to
25 attend graduate school, college, law school. It

1 was not only a goal I had for myself but a dream
2 my family carried for me. The issue of
3 implementing the New York DREAM Act is a dear one
4 to me, and I believe we should not get twisted
5 into a debate about immigration but recognize
6 that no one, no one has the right to stand in the
7 way of someone else's education.

8 We will pass the DREAM Act by
9 utilizing revenue generated from the legalization
10 of casino gambling to supplement TAP, and thus
11 providing a pathway to make this possible.

12 Let's be clear. What the New York
13 DREAM Act is really about is enriching the next
14 generation of our workforce by removing obstacles
15 for hundreds of young New Yorkers to pursue a
16 higher education and, in a New York tradition, be
17 an inspiration for generations that come after
18 them.

19 For centuries New Yorkers have
20 served as an inspiration and garnered the
21 admiration of others around the globe. Our
22 diverse communities are a microcosm of the world,
23 and no matter your ethnicity, economic status,
24 cultural tradition or background, it is here that
25 you get a fair shot.

1 Our soil has been the birthing
2 ground for entrepreneurs, icons, social
3 activists, sports legends, famous artists,
4 musicians, writers and, yes, future presidents.
5 We must celebrate our diversity, we must champion
6 the rights of all. And the only way we will move
7 forward is by moving forward together.

8 From the Alleghenies to the
9 Adirondacks, from the Mohawk Valley to Montauk,
10 from the Catskills to Alphabet City, we may lead
11 different lives and have diverse needs, but we
12 all possess an indomitable spirit, a belief that
13 tomorrow will be better, and a sense that we're
14 all in this together that has led us through the
15 earliest hours of the struggle for independence
16 on the Saratoga Battlefield to the darkest days
17 of horrific tragedy and loss of September 11th
18 and, most recently, Superstorm Sandy.

19 When we get knocked down, we get
20 back up. When we are tested, we rise to the
21 challenge. And when we are told something cannot
22 be done, we respectfully respond with a "Yes, it
23 can. This is New York."

24 We are a state of greatness filled
25 with generous, strong, talented and kind people

1 who deserve a government that creates sensible
2 laws to protect them, common-sense policies to
3 support them, and broad opportunities that uplift
4 them.

5 And to my Senate colleagues, to the
6 Governor, and to all New Yorkers within earshot,
7 I say this. New York is a state that leads the
8 way, bucks the trends, takes chances and never
9 gives up on what some may consider the
10 impossible. What we've learned from our history
11 is that what many often consider to be
12 revolutionary in one generation becomes routine
13 in the next.

14 New York, we stand ready to meet
15 your challenges, to fight for your dreams, to
16 champion your causes and alleviate your
17 concerns. We stand ready to be judged by our
18 record of results and not just our rhetoric. We
19 know that if we are to advance our communities
20 and our citizenry, inclusion is the only way by
21 which we'll get there.

22 A great state like New York deserves
23 a extended period of stability and a sensible and
24 smart government. We stand at the threshold of
25 the government of the future, and it is up to us

1 to take up the mantle.

2 Thank you, Mr. President.

3 (Standing ovation.)

4 ACTING PRESIDENT FLANAGAN: Thank
5 you, Senator Klein.

6 The Chair recognizes Senator
7 Skelos.

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

10 Welcome back to all the members.
11 And to all the new members on this side of the
12 aisle, we welcome you.

13 And to our new members -- I think
14 some of them are talking to the Assembly or to
15 the Governor, but we have Senator Kathy
16 Marchione. Former Assemblyman who's back,
17 Senator Phil Boyle, we welcome you. And Simcha
18 Felder, Senator Simcha Felder, we welcome you.

19 (Applause.)

20 SENATOR SKELOS: All of you have
21 worked hard, and you'll be great additions to the
22 Senate.

23 I also want to congratulate
24 Senator Stewart-Cousins on being elected Democrat
25 Conference leader. We've worked well together in

1 the past, and there's no reason at all why we
2 cannot work together to move this state forward.
3 The campaigns are over and now it's time for
4 governing.

5 And certainly this is going to be an
6 interesting two years for the State Senate. We
7 have made history today. For the first time in
8 the history of this body, the Senate will not be
9 run exclusively by Republicans or Democrats.
10 Instead, our chamber will be led by a new
11 bipartisan governing coalition.

12 Senate Republicans are looking
13 forward to working with our partners in the
14 Independent Democrat Conference, led by Senator
15 Jeff Klein.

16 Senator Klein and I have forged a
17 strong partnership and friendship. We're not at
18 the point of being called twins yet, but we're
19 getting there.

20 (Laughter.)

21 SENATOR SKELOS: But he is, as you
22 could hear from his remarks, an outstanding
23 serious legislator who cares deeply about working
24 to improve the lives of everyone in our state.

25 Our coalition is a natural extension

1 of the partnership we've built over the last
2 two years that enabled us to put New York back on
3 the right track. Working with the IDC and with
4 Governor Cuomo, we were able to cut spending and
5 taxes, two early budgets, a lower-middle-class
6 tax cut, expanding the DNA databank, helping
7 businesses create jobs, eliminated the payroll
8 tax for most small business.

9 And we eliminated the huge deficits,
10 which I think is critically important, without
11 raising taxes. Unlike Washington, our state
12 government is functioning.

13 In 2013 we will build on our record
14 by passing tough new laws to increase public
15 safety, controlling spending and cut taxes, and
16 encouraging businesses to create more jobs.

17 As we prepare to receive the
18 Governor's State of the State message, let's take
19 our inspiration from the people who responded
20 bravely in the face of Hurricane Sandy and are
21 responding again to help build these devastated
22 communities.

23 I'd like to thank Bishop Murphy -- I
24 think he may be on his way over to the session
25 for his opening prayer.

1 I want to acknowledge the fact that
2 two years ago I said my father was here, 90 years
3 old and still working. He is here today, almost
4 92 and still working. So, Dad --

5 (Applause.)

6 SENATOR SKELOS: My wife Gail, for
7 being just a strong supporter of what is a very
8 difficult and challenging profession.

9 All of my family members that are
10 here -- brothers, sisters, nieces, nephews --
11 supporters.

12 But I want to also acknowledge my
13 son Adam and his wife Ann Marie. And to me, even
14 more special, acknowledging the fact that I now
15 have a grandson. His name is Dean.

16 (Laughter.)

17 SENATOR SKELOS: And I'm a bit
18 older than the Governor, but I said to him "There
19 will always be a Dean Skelos in your life as you
20 move through it."

21 (Laughter.)

22 SENATOR SKELOS: But what is really
23 significant to me is the fact when I was standing
24 there and my brother was swearing me in and my
25 grandson Dean being held by my son, when I was

1 first sworn into the Senate, my mom held the
2 Bible and I held my son Adam.

3 So life is good. Life is special.
4 I think we should all remember that. And at this
5 time I think it's appropriate -- I know you have
6 some closing things to say -- totally appropriate
7 to go and listen to the Governor's State of the
8 State.

9 Thank you very much.

10 (Standing ovation.)

11 ACTING PRESIDENT FLANAGAN: Senator
12 Libous.

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

15 ACTING PRESIDENT FLANAGAN: Senator
16 Libous, there is no further business at the desk.

17 SENATOR LIBOUS: Mr. President,
18 there being no further business, I move that we
19 adjourn until Monday, January 14th, at 3:00 p.m.,
20 intervening days being legislative days.

21 We will now proceed to the Empire
22 State Plaza Convention Center for the Governor's
23 State of the State address.

24 ACTING PRESIDENT FLANAGAN: On
25 motion, the Senate stands adjourned until Monday,

1 January 14th, at 3:00 p.m., intervening days
2 being legislative days.

3 (Whereupon, at 1:33 p.m., the Senate
4 adjourned.)

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