

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 28, 2013

10 3:14 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR DIANE SAVINO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

8 ACTING PRESIDENT SAVINO: In the  
9 absence of clergy, I ask all to bow their heads  
10 for a moment of silence.

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

13 ACTING PRESIDENT SAVINO: The  
14 reading of the Journal.

15 THE SECRETARY: In Senate, Friday,  
16 January 25th, the Senate met pursuant to  
17 adjournment. The Journal of Thursday,  
18 January 24th, was read and approved. On motion,  
19 Senate adjourned.

20 ACTING PRESIDENT SAVINO: Without  
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from  
3 state officers.

4 Motions and resolutions.

5 Senator Libous.

6 SENATOR LIBOUS: Thank you,  
7 Madam President.

8 Madam President, I move that the  
9 following bill be discharged from its respective  
10 committee and be recommitted with instructions to  
11 strike the enacting clause. And that would be  
12 Senate Print 2307, by Senator Ball.

13 ACTING PRESIDENT SAVINO: So  
14 ordered.

15 Senator Libous.

16 SENATOR LIBOUS: Madam President,  
17 at this time I will call an immediate meeting of  
18 the Rules Committee in Room 332. Immediate  
19 meeting of the Rules Committee in Room 332.

20 The Senate should stand at ease.

21 ACTING PRESIDENT SAVINO: There  
22 will be an immediate meeting of the  
23 Rules Committee in Room 332.

24 The Senate will stand at ease.

25 (Whereupon, the Senate stood at ease

1 at 3:16 p.m.)

2 (Whereupon, the Senate reconvened at  
3 3:50 p.m.)

4 SENATOR LIBOUS: Madam President.

5 ACTING PRESIDENT SAVINO: Senator  
6 Libous.

7 SENATOR LIBOUS: Thank you,  
8 Madam President.

9 May we please return to reports of  
10 standing committees. I believe there's a report  
11 of the Rules Committee at the desk. I ask that  
12 it be read at this time.

13 ACTING PRESIDENT SAVINO: Reports  
14 of standing committees.

15 There is a report of the  
16 Rules Committee at the desk. The Secretary will  
17 read.

18 THE SECRETARY: Senator Skelos,  
19 from the Committee on Rules, reports the  
20 following resolution:

21 Number 314, by Senators Skelos and  
22 Klein, Senate Resolution amending Section 1 of  
23 Rule 8 of the Senate Rules, in relation to  
24 establishing a Standing Committee on  
25 Infrastructure and Capital Investment.

1                   ACTING PRESIDENT SAVINO:    Senator  
2   Libous.

3                   SENATOR LIBOUS:    I move to accept  
4   the report of the Rules Committee.

5                   ACTING PRESIDENT SAVINO:    All in  
6   favor of accepting the report of the  
7   Rules Committee signify by saying aye.

8                   (Response of "Aye.")

9                   ACTING PRESIDENT SAVINO:    Opposed,  
10   nay.

11                   (No response.)

12                   ACTING PRESIDENT SAVINO:    The  
13   report is accepted.

14                   Senator Libous.

15                   SENATOR LIBOUS:    Madam President,  
16   there's a privileged resolution at the desk.  May  
17   we please have the title read and move for its  
18   immediate adoption.

19                   ACTING PRESIDENT SAVINO:    The  
20   Secretary will read.

21                   THE SECRETARY:    Senate Resolution  
22   Number 314, by Senators Skelos and Klein,  
23   amending Section 1 of Rule 8 of the Senate Rules,  
24   in relation to establishing a Standing Committee  
25   on Infrastructure and Capital Investment.

1                   ACTING PRESIDENT SAVINO:    The  
2 question is on the resolution. All in favor  
3 signify by saying aye.

4                   (Response of "Aye.")

5                   ACTING PRESIDENT SAVINO:    Opposed,  
6 nay.

7                   (No response.)

8                   ACTING PRESIDENT SAVINO:    The  
9 resolution is adopted.

10                  Senator Libous.

11                  SENATOR LIBOUS:    Thank you,  
12 Madam President.

13                  There's another privileged  
14 resolution at the desk. May we have the title  
15 read and move for its immediate adoption.

16                  ACTING PRESIDENT SAVINO:    The  
17 Secretary will read.

18                  THE SECRETARY:    Senate Resolution  
19 by Senators Skelos and Klein, providing for a  
20 Senate Select Committee on Libraries.

21                  ACTING PRESIDENT SAVINO:    The  
22 question is on the resolution. All in favor  
23 signify by saying aye.

24                  (Response of "Aye.")

25                  ACTING PRESIDENT SAVINO:    Opposed,

1     nay.

2                     (No response.)

3                     ACTING PRESIDENT SAVINO:

4     Senator Farley.

5                     SENATOR FARLEY:     Thank you,  
6     Madam President.

7                     I rise to speak to this resolution  
8     because, you know, we're a very partisan group in  
9     here, and if there's anything that is nonpartisan  
10    in this Senate, it is libraries.

11                    When I first came into the Senate  
12    37 years ago -- I think before you were even  
13    born, Madam President -- but anyway, when I first  
14    came into the Senate, they said, "Professor,  
15    you've got libraries."

16                    And I've had it ever since, and  
17    it's been a labor of love. There were  
18    subcommittees and so forth, and in the last  
19    session they created a Select Committee on  
20    Libraries.

21                    Frankly, it's one of the largest  
22    committees in the New York State Senate. And  
23    when it was proposed, practically every member  
24    from both sides wanted to get on it.

25                    And it does meet, and we had a very

1 fine meeting last year, informative -- it's  
2 called a roundtable -- where we discussed the  
3 needs of the libraries and heard from the leaders  
4 of this area. And this house was successful in  
5 getting in the budget a \$3.9 million increase in  
6 the aid to libraries.

7                   Of course I think if there's  
8 anything we want to go forward with, that  
9 libraries should be considered just like  
10 education. If education gets a raise, so should  
11 libraries, because they are the cathedrals of  
12 learning for the general public.

13                   Additionally, we were able to pass  
14 almost the entire agenda for the New York State  
15 Library Association.

16                   You know, New York State is far and  
17 away the leader in the nation in libraries.  
18 There's no state that even compares to us. We  
19 have 750 public libraries, there are 2,000 school  
20 libraries and 265 academic libraries and  
21 450 special and institution libraries that are  
22 chartered in this state.

23                   As I said, in New York State  
24 libraries are the cathedrals of learning for the  
25 general public. And they help the public access



1 information, and particularly the poor and the  
2 elderly and so forth. And they are moving into  
3 the high-tech area. And many people use the  
4 libraries to further their education, to find  
5 jobs, and further their careers.

6 Libraries are an incredible service  
7 to the public, and I commend the leadership of  
8 this house for recognizing that. And we look  
9 forward to a good year for libraries. And I  
10 thank my colleagues on both sides of this aisle  
11 for their tremendous support of libraries.

12 Thank you, Madam President.

13 ACTING PRESIDENT SAVINO: Thank  
14 you, Senator Farley.

15 Senator Serrano on the resolution.

16 SENATOR SERRANO: Thank you very  
17 much, Madam President.

18 I just wanted to thank  
19 Senator Farley for this resolution and the work  
20 that he's done on libraries.

21 I had the good fortune of serving  
22 on the select committee last year. And I think  
23 it's so important. Oftentimes libraries are  
24 forgotten. We sort of take them for granted, we  
25 think they're always going to be there, we always

1 they're going to be well-stocked and up-to-date  
2 and have all of the things that they need to  
3 operate, but they oftentimes don't. They get  
4 forgotten.

5                   And it's important that we as  
6 elected officials fortify them, make sure that  
7 they have the tools that they need to continue  
8 being the cathedrals to education, as the Senator  
9 very aptly put it.

10                   So I commend the Senator for his  
11 great work on libraries. I want to work with you  
12 on this, and I hope that all of us in both houses  
13 really do a lot of work to make sure that they  
14 are fortified throughout the state.

15                   Thank you.

16                   ACTING PRESIDENT SAVINO: Are  
17 there any other members wishing to speak on the  
18 resolution?

19                   Seeing none, the question had been  
20 put before Senator Farley got up. It was clear  
21 the ayes have it. The resolution is adopted.

22                   Senator Libous.

23                   SENATOR LIBOUS: Thank you,  
24 Madam President.

25                   There's another privileged

1 resolution at the desk. Could we have the title  
2 read and move for its immediate adoption, and I  
3 believe you could call on Senator Maziarz.

4 ACTING PRESIDENT SAVINO: The  
5 Secretary will read.

6 THE SECRETARY: Senate Resolution  
7 by Senators Skelos and Klein, providing for a  
8 Senate Select Committee on State-Native American  
9 Relations.

10 ACTING PRESIDENT SAVINO: Senator  
11 Maziarz.

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

14 I want to begin by thanking  
15 Senators Skelos and Klein for reappointing this  
16 committee for another two years ago. The Select  
17 Committee on State-Native American Relations is  
18 the only official legislative entity aimed at  
19 promoting cooperation between the State of  
20 New York and our various Native American nations.

21 Over the last two years, I and  
22 members of the committee have visited with the  
23 Seneca Nation, the Tuscarora Nation, the  
24 St. Regis Mohawk Nation, and the Oneida Nation.

25 During the next two years we plan

1 on completing visits to all the other  
2 Native American nations.

3           And all too often I think that news  
4 reports tend to pigeonhole, if you will, the  
5 interests of Native Americans in maybe one or two  
6 specific areas. But really what we have found is  
7 that there are a diversity of issues involving  
8 the state in areas where we can work  
9 cooperatively with our neighbors and friends in  
10 the various Native American communities.

11           Certainly when it comes to economic  
12 development, I can tell you within my district  
13 alone, the Seneca Nation is one of the largest  
14 employers, not just in my district but in all of  
15 Western New York. They're a great economic  
16 development engine up in the North Country in  
17 Senator Little's district and certainly in  
18 Central New York and the Syracuse area.

19           The members of this committee look  
20 forward to holding additional hearings. We held  
21 two hearings already on economic development  
22 issues, energy-related issues. I know that we've  
23 worked with the Seneca Nation on the Kinzua Dam  
24 project in Western New York, where the Senecas  
25 have taken a leading role in providing and

1 getting hydropower that's produced here in the  
2 State of New York, or with assets of the State of  
3 New York, to be brought back here to benefit both  
4 the state and the Seneca Nation.

5                   So it is with gratitude,  
6 Madam President, that I rise in support of the  
7 continuation of the good work that we've been  
8 doing for two years with the start, and I think  
9 we will see more successes this year.

10                   Thank you very much,  
11 Madam President.

12                   ACTING PRESIDENT SAVINO:    Thank  
13 you, Senator Maziarz.

14                   Are there any other Senators  
15 wishing to be heard on the resolution?

16                   Seeing none, the question is on the  
17 resolution. All in favor signify by saying aye.

18                   (Response of "Aye.")

19                   ACTING PRESIDENT SAVINO:    Opposed,  
20 nay.

21                   (No response.)

22                   ACTING PRESIDENT SAVINO:    The  
23 resolution is adopted.

24                   Senator Libous.

25                   SENATOR LIBOUS:    Madam President,

1 can we return to messages from the Assembly,  
2 please.

3 ACTING PRESIDENT SAVINO: Messages  
4 from the Assembly.

5 The Secretary will read.

6 THE SECRETARY: The Assembly sent  
7 for concurrence the following bill.

8 On motion by Senator Skelos and  
9 Senator Klein, the rules were suspended and said  
10 bill ordered to third reading: Assembly Bill  
11 Number 2296.

12 ACTING PRESIDENT SAVINO: The bill  
13 is ordered direct to third reading.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number 8,  
16 by Member of the Assembly Abbate, Assembly Print  
17 2296, an act to amend the Administrative Code of  
18 the City of New York.

19 ACTING PRESIDENT SAVINO: Read the  
20 last section.

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

23 ACTING PRESIDENT SAVINO: Call the  
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT SAVINO: The bill  
3 is passed.

4 Senator Libous.

5 SENATOR LIBOUS: Madam President,  
6 at this time Senator Skelos hands up the  
7 following Republican conference membership, in  
8 accordance with the rules.

9 ACTING PRESIDENT SAVINO: So  
10 ordered.

11 Senator Libous.

12 SENATOR LIBOUS: Madam President,  
13 at this time Senator Klein hands up the following  
14 IDC conference membership.

15 ACTING PRESIDENT SAVINO: So  
16 ordered.

17 Senator Libous.

18 SENATOR LIBOUS: Madam President,  
19 Senator Klein and Senator Skelos hand up the  
20 following committee assignments and ask that such  
21 assignments be filed in the Journal.

22 ACTING PRESIDENT SAVINO: So  
23 ordered.

24 SENATOR LIBOUS: Madam President,  
25 if we could just not even stand at ease, just

1 take a deep breath for a moment. We have some  
2 administrative work that is taking place here at  
3 the chair. And as soon as that is completed,  
4 we'll take the next step.

5 ACTING PRESIDENT SAVINO: We will  
6 take a deep breath, Senator Libous.

7 (Pause.)

8 ACTING PRESIDENT SAVINO: Senator  
9 Libous, I've been holding my breath.

10 SENATOR LIBOUS: Madam President,  
11 you no longer have to hold your breath. That was  
12 pretty good, about 25 minutes.

13 In consultation with Senator  
14 Stewart-Cousins, Senator Klein, Senator Skelos, I  
15 hand up the following committee minority  
16 assignments and ask that said assignments be  
17 filed in the Journal, please.

18 ACTING PRESIDENT SAVINO: So  
19 ordered.

20 Senator Libous.

21 SENATOR LIBOUS: Is there any  
22 further business at the desk?

23 ACTING PRESIDENT SAVINO: There is  
24 no further business at the desk.

25 SENATOR LIBOUS: Thank you,



1 Madam President.

2                   There being no further business, I  
3 move that we adjourn until Tuesday, January 29th,  
4 at 11:00 a.m.

5                   ACTING PRESIDENT SAVINO:    There  
6 being no further business, on motion, the Senate  
7 stands adjourned until Tuesday, January 29th, at  
8 11:00 a.m.

9                   (Whereupon, at 4:19 p.m., the Senate  
10 adjourned.)

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