

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 January 8, 2014

11 12:27 p.m.

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13
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 now come to order.

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

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

8 THE PRESIDENT: We are joined
9 today by the Most Reverend Richard Joseph
10 Malone, the Bishop of the Catholic Diocese of
11 Buffalo, who will give us our invocation.

12 Bishop, welcome.

13 BISHOP MALONE: Let us pray.

14 Gracious God, Creator of the
15 universe and Father of all, with humility and
16 trust we invoke Your blessing on the Senate of
17 our great State of New York as the 2014
18 legislative session begins.

19 May we acknowledge that political
20 responsibility and authority belong to and
21 derive from the order You have established. We
22 recall the wisdom of Pope -- soon to be Saint --
23 Pope John XXIII, who said that human society can
24 be neither well-ordered nor prosperous unless it
25 has some people invested with legitimate

1 authority to preserve its institutions and
2 devote themselves to work and care for the good
3 of all.

4 We pray for the members of this
5 governing body, their staffs and advisors.
6 Grant to each of them individually and all of
7 them collectively good health, peace, concord
8 and stability, that they might exercise with
9 wisdom, prudence, and integrity the authority
10 entrusted to them by our fellow citizens which
11 derives ultimately from You.

12 Assist our Senators in all of the
13 complexities confronting them always to seek
14 Your will and do what is acceptable in Your
15 sight, whether popular or not. So it is that
16 they may find favor with You, the final judge of
17 the destiny of us all.

18 May they and may we all take
19 inspiration from Pope Francis, who invites all
20 who would hear his voice to concern for the
21 integral development of society's most neglected
22 members, and to be attentive to the cry of the
23 poor and come to their aid.

24 Keep us from ever forgetting that
25 the most neglected, the most vulnerable, are

1 found at every point along life's journey, from
2 life's very beginning to its natural end. At
3 every point, O God, keep us focused first and
4 foremost on the pursuit of truth, the protection
5 of human dignity, and the promotion of the
6 common good of all.

7 Lastly, Lord, help these Senators,
8 our brothers and sisters, to know our
9 appreciation and gratitude for their service for
10 all of the people who constitute the community
11 of persons that is New York State.

12 Our legislators' challenging work
13 they well realize holds profound significance
14 and serious consequences, both planned and
15 unintended, for all of our people. Their work,
16 O God, is very serious business. May they do it
17 well and never apart from Your grace and
18 guidance.

19 All of this we pray with confidence
20 in Your love for all You have created, and in
21 the transforming power of Your holy name.

22 Amen.

23 THE PRESIDENT: The Secretary will
24 now call the roll to ascertain a quorum.

25 THE SECRETARY: Senator Addabbo.

1 SENATOR ADDABBO: Here.
2 THE SECRETARY: Senator Avella.
3 SENATOR AVELLA: Here.
4 THE SECRETARY: Senator Ball.
5 SENATOR BALL: Here.
6 THE SECRETARY: Senator Bonacic.
7 SENATOR BONACIC: Here.
8 THE SECRETARY: Senator Boyle.
9 SENATOR BOYLE: Here.
10 THE SECRETARY: Senator Breslin.
11 SENATOR BRESLIN: Here.
12 THE SECRETARY: Senator Carlucci.
13 SENATOR CARLUCCI: Here.
14 THE SECRETARY: Senator
15 DeFrancisco.
16 SENATOR DeFRANCISCO: Here.
17 THE SECRETARY: Senator Diaz.
18 SENATOR DIAZ: Present.
19 THE SECRETARY: Senator Dilan.
20 SENATOR DILAN: Present.
21 THE SECRETARY: Senator Espaillet.
22 SENATOR ESPAILLAT: Here.
23 THE SECRETARY: Senator Farley.
24 SENATOR FARLEY: Here.
25 THE SECRETARY: Senator Felder.

1 SENATOR FELDER: Here.
2 THE SECRETARY: Senator Flanagan.
3 SENATOR FLANAGAN: Here.
4 THE SECRETARY: Senator Gallivan.
5 SENATOR GALLIVAN: Here.
6 THE SECRETARY: Senator Gianaris.
7 SENATOR GIANARIS: Here.
8 THE SECRETARY: Senator Gipson.
9 SENATOR GIPSON: Here.
10 THE SECRETARY: Senator Golden.
11 SENATOR GOLDEN: Here.
12 THE SECRETARY: Senator Griffo.
13 SENATOR GRIFFO: Here.
14 THE SECRETARY: Senator Grisanti.
15 SENATOR GRISANTI: Here.
16 THE SECRETARY: Senator Hannon.
17 SENATOR HANNON: Here.
18 THE SECRETARY: Senator
19 Hassell-Thompson.
20 SENATOR HASSELL-THOMPSON: Here.
21 THE SECRETARY: Senator Hoylman.
22 SENATOR HOYLMAN: Here.
23 THE SECRETARY: Senator Kennedy.
24 SENATOR KENNEDY: Here.
25 THE SECRETARY: Senator Klein.

1 (Senator Klein was noted as being
2 present.)

3 THE SECRETARY: Senator Krueger.

4 SENATOR KRUEGER: Here.

5 THE SECRETARY: Senator Lanza.

6 SENATOR LANZA: Here.

7 THE SECRETARY: Senator Larkin.

8 SENATOR LARKIN: Here.

9 THE SECRETARY: Senator Latimer.

10 SENATOR LATIMER: Here.

11 THE SECRETARY: Senator LaValle.

12 SENATOR LaVALLE: Here.

13 THE SECRETARY: Senator Libous.

14 SENATOR LIBOUS: Present.

15 THE PRESIDENT: Floor Leader, a
16 quorum is present.

17 SENATOR LIBOUS: Thank you,
18 Mr. President. If we could continue and proceed
19 with the order of business.

20 THE PRESIDENT: Presentation of
21 petitions.

22 Any messages from the Assembly.

23 Messages from the Governor.

24 The chair hands down a communication
25 from the Governor and asks of the Secretary that

1 it be read.

2 THE SECRETARY: To members of the
3 New York State Senate.

4 "Dear Senators: I would appreciate
5 the privilege of the presence of all the Members
6 of the New York State Senate at the Empire State
7 Plaza Convention Center on January 8, 2014, at
8 1:30 p.m.

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

10 THE PRESIDENT: To be filed in the
11 Journal.

12 Floor Leader.

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

15 Mr. President, at this time I would
16 like to recognize the Democratic Leader,
17 Senator Stewart-Cousins, for some remarks.

18 THE PRESIDENT: Senator
19 Stewart-Cousins.

20 SENATOR STEWART-COUSINS: Thank
21 you.

22 I just want to say, certainly,
23 welcome back. Happy New Year -- and a healthy
24 one. And this is a great opportunity, obviously,
25 for all of us.

1 I wanted to say to my colleagues
2 Senator Klein and Senator Skelos that we, the
3 Democratic Conference, stand ready to work with
4 you in making New York a better place for all of
5 its residents.

6 Our conference, as you know, is
7 incredibly diverse. We are upstate, we are
8 downstate, we are Latino and black and white, we
9 are male, female, gay, straight.

10 Every single aspect of what we do
11 here matters, whether it's building, obviously,
12 our upstate economy or making sure that
13 healthcare is provided for the people in
14 Brooklyn, making sure that universal pre-K is a
15 reality and that we have the supports that people
16 need in order to stay in their homes. We need to
17 cut our taxpayers' burden, and we need to uplift
18 education and opportunity.

19 We have so many things that we can
20 do and so many things that we will do together,
21 and so many things obviously left undone. We
22 still have ethics reform, we have a Women's
23 Equality Act, and we have to make sure that there
24 is trust in our government.

25 As we work to build our businesses,

1 small and large, hopefully we will continue to
2 concentrate on those who are most vulnerable and
3 those who need us to do the things that we can
4 only do for the betterment of New Yorkers.

5 So again, thank you. Looking so
6 forward to working together.

7 (Applause.)

8 THE PRESIDENT: Senator Libous.

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

11 At this time could you call on
12 IDC Leader Mr. Klein, please.

13 THE PRESIDENT: Senator Klein.

14 SENATOR KLEIN: Thank you very
15 much, Senator Libous.

16 It's a pleasure, Lieutenant Governor
17 Duffy, for you being here today presiding over
18 the chamber.

19 Senator Skelos and the entire
20 Republican Conference, Leader Cousins and the
21 entire Senate Democratic Conference, all of you,
22 welcome back.

23 I think we all know that last year
24 we proved what many probably considered
25 impossible: the first ever coalition

1 government. We worked in a bipartisan fashion
2 and I think we really proved a very simple truth,
3 that negotiation is not a dirty word. It's an
4 important aspect of governing. And I think we
5 showed that not every statehouse needs to operate
6 like the U.S. Congress, where gridlock and
7 dysfunction stifle progress on each and every
8 issue.

9 We came together on issues that
10 matter. We passed meaningful and sensible gun
11 laws. We passed a historic budget that raised
12 the minimum wage, provided tax relief for working
13 families, and extended the lowest middle-class
14 tax rates in 60 years. And I look forward this
15 year for doing even more.

16 I think it's clear that one of the
17 issues and really the major issues that we have
18 to deal with is really income inequality. More
19 so, figuring out a way that we can get help for
20 working families -- people who get up every
21 morning, put in a hard day's work, raise a
22 family, choose to stay in New York to retire and
23 grow old gracefully. The Independent Democratic
24 Conference released a very simple plan which
25 makes a lot of sense, "Making New York

1 Affordable."

2 You know, I had the privilege of
3 growing up in a two-family home in the Bronx with
4 my grandparents. My grandfather was an immigrant
5 who came to this country, worked very hard to
6 make a better life for his family. I also
7 watched my grandfather and my father, who were
8 partners in a small business, work very, very
9 hard each and every day.

10 But you want to know something?
11 They worked hard, they were able to buy a house,
12 people in that era were able to have a nice
13 apartment, they were able to save some money to
14 send their kids to school. And you know
15 something, they were able to really put away some
16 money for retirement. That no longer exists.
17 Those good old days are just that, good old
18 days.

19 We need to move in a different
20 direction. And the way we can do that is making
21 New York affordable, giving people the ability to
22 take paid family leave to take care of an elderly
23 loved one, to take care of a sick child, for a
24 new mom to be able to bond with that child. We
25 need to make college more affordable for

1 everyone. Otherwise, we're not going to be able
2 to ensure that every young person in our state
3 has the ability to go to college.

4 We need to take the burden off
5 individuals who are raising a family. We have
6 the dubious distinction in this state of having
7 the highest childcare costs of any other state,
8 \$5,000 to \$15,000. That's too much for most
9 families.

10 So I think, all in all, we have to
11 recognize that when we talk about tax cuts, it
12 has to be tax cuts for people, tax cuts for
13 working families. Because if we lose the middle
14 class in this state, we no longer have a future
15 as the Empire State.

16 Thank you again, Lieutenant Governor
17 Duffy.

18 (Applause.)

19 THE PRESIDENT: Thank you,
20 Senator.

21 Senator Libous.

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

24 Could you now call on the Republican
25 Leader, Senator Dean Skelos, please.

1 THE PRESIDENT: Senator Skelos.

2 SENATOR SKELOS: Thank you.

3 Welcome. Welcome back. And welcome back, all of
4 my colleagues, to the warm weather of Albany. I
5 understand there's global warming going on. I
6 don't know, it's not exactly right here.

7 (Laughter.)

8 SENATOR SKELOS: But it is great to
9 be back for what I know is going to be another
10 productive session.

11 Last year, as Senator Klein
12 mentioned, we established really what was
13 historic: The Senate Republican conference began
14 a historic partnership with Senator Jeff Klein
15 and members of the IDC.

16 And what's important about that is
17 our bipartisan coalition, working with Governor
18 Cuomo, working with the Assembly, working with
19 Senator Stewart-Cousins and the members of her
20 conference, we were able to once again -- three
21 years in a row -- have an early budget.

22 And an early budget meant that the
23 people are seeing New York State once again
24 putting dysfunction behind us and having
25 bipartisan government, which is what they want.

1 They want solutions to problems. They don't want
2 rhetoric, they don't want bickering. Although
3 there will always be healthy debate, and there
4 should be. But in the end, they want results.

5 And we had so many different results
6 last year. And this coming year, with the budget
7 surplus that we anticipate, I think we have to
8 continue to move forward, as Senator Klein has
9 indicated, Senator Stewart-Cousins, making
10 New York State more affordable.

11 We have to make it more affordable
12 for the small-business owner who wants to succeed
13 and create more jobs. That's critically
14 important. Letting hardworking taxpayers,
15 middle-class families, keep more of their money
16 to help them meet their budgets. Strengthening
17 our economy and creating more career
18 opportunities for young people so they can stay
19 in New York State. Making our state more
20 competitive by cutting broad-based taxes and
21 eliminating unnecessary regulations that strangle
22 businesses and act as a barrier to job creation.
23 Helping our veterans who have sacrificed so much
24 for our state and our country. And ensuring that
25 we provide the highest-quality education for our

1 children, from pre-K to college.

2 As we prepare for the Governor's
3 State of the State message, let's recognize that
4 we are in a unique position to achieve these
5 goals. By working together, Senate Republicans
6 with the IDC, Governor Cuomo, Senator
7 Stewart-Cousins, the Assembly, we can have a
8 very, very productive session, accomplish great
9 things, and keep our state moving in the right
10 direction.

11 So I thank you, Mr. President, for
12 the opportunity to speak. And I just want to
13 remind all the members that the Governor's office
14 has requested if we can be over at the center by
15 1:15 they would appreciate it, so that we can
16 have a timely State of the State message.

17 So again, thank you very much,
18 Mr. President.

19 THE PRESIDENT: Thank you, Senator.

20 (Applause.)

21 THE PRESIDENT: Senator Libous.

22 SENATOR LIBOUS: Could we now
23 return to the order of business, Mr. President.

24 THE PRESIDENT: Yes, we can.

25 Reports of standing committees.

1 Reports of select committees.

2 Any communications and reports from
3 state officers.

4 Motions and resolutions.

5 Floor Leader.

6 SENATOR LIBOUS: Mr. President, at
7 this time I believe there's a resolution at the
8 desk. I request that it be read and move for its
9 immediate adoption.

10 THE PRESIDENT: Thank you. The
11 Secretary will read.

12 THE SECRETARY: Senate Resolution,
13 by Senator Skelos, resolved that the Temporary
14 President appoint a committee of three to inform
15 the Governor that the Senate is organized and
16 ready to proceed to the Governor's Message.

17 "RESOLVED, That the Temporary
18 President appoint a committee of three, comprised
19 of Senator Felder, Senator Savino and
20 Senator Tkaczyk, for the purpose of informing the
21 Governor that the Senate is organized and ready
22 to proceed to the Governor's Message."

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

1 (Response of "Aye.")

2 THE PRESIDENT: Opposed, nay.

3 (No response.)

4 THE PRESIDENT: The resolution is
5 adopted.

6 The Floor Leader appoints Senators
7 Felder, Savino and Tkaczyk to inform the Governor
8 that the Senate is organized and ready to proceed
9 and to receive the Governor's message in the
10 Empire State Plaza Convention Center at 1:30
11 today.

12 Floor Leader.

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

15 I believe there's another resolution
16 at the desk. I request that it be read and move
17 for its immediate adoption.

18 THE PRESIDENT: The Secretary will
19 read.

20 THE SECRETARY: Senate Resolution,
21 by Senator Skelos, resolved that the Temporary
22 President appoint a committee of three to wait
23 upon the Assembly and inform that body that the
24 Senate is assembled and ready to proceed to the
25 Governor's Message.

1 "RESOLVED, That the Temporary
2 President appoint a committee of three, comprised
3 of Senator O'Mara, Senator Carlucci and
4 Senator Hoylman, for the purpose of waiting upon
5 the Assembly and informing that body that the
6 Senate is assembled and ready to proceed to the
7 Governor's Message."

8 THE PRESIDENT: The question is on
9 the resolution. All in favor signify by saying
10 aye.

11 (Response of "Aye.")

12 THE PRESIDENT: Opposed, nay.

13 (No response.)

14 THE PRESIDENT: The resolution is
15 adopted.

16 The Floor Leader appoints
17 Senators O'Mara, Carlucci and Hoylman to inform
18 the Assembly that the Senate is organized and
19 ready to proceed and to receive the Governor's
20 message in the Empire State Plaza Convention
21 Center at 1:30 p.m. today.

22 Senator Libous.

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

25 THE PRESIDENT: Senator, the desk

1 is clear.

2 SENATOR LIBOUS: The desk is
3 clear. My colleagues, Mr. President, there being
4 no further business, I move that we adjourn until
5 Monday, January 13, at 3:00 p.m., intervening
6 days being legislative days, and that we now
7 proceed to the Empire State Plaza Convention
8 Center to hear the Governor's State of the State
9 address.

10 THE PRESIDENT: On motion, the
11 Senate stands adjourned until Monday,
12 January 13th, at 3:00 p.m., intervening days
13 being legislative days.

14 The Senate will now proceed to the
15 Empire State Plaza Convention Center for the
16 Governor's State of the State address.

17 (Whereupon, at 12:45 p.m., the
18 Senate adjourned.)

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