NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 8, 2014

12:27 p.m.

REGULAR SESSION

LIEUTENANT GOVERNOR ROBERT J. DUFFY, President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will now come to order.

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

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

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

Bishop, welcome.

BISHOP MALONE: Let us pray.

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

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

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

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

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

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

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

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

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

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

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

Amen.

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

THE SECRETARY: Senator Addabbo.

SENATOR ADDABBO: Here.
THE SECRETARY: Senator Avella.
SENATOR AVELLA: Here.
THE SECRETARY: Senator Ball.
SENATOR BALL: Here.
THE SECRETARY: Senator Bonacic.
SENATOR BONACIC: Here.
THE SECRETARY: Senator Boyle.
SENATOR BOYLE: Here.
THE SECRETARY: Senator Breslin.
SENATOR BRESLIN: Here.
THE SECRETARY: Senator Carlucci.
SENATOR CARLUCCI: Here.
THE SECRETARY: Senator DeFrancisco.
SENATOR DeFRANCISCO: Here.
THE SECRETARY: Senator Diaz.
SENATOR DIAZ: Present.
THE SECRETARY: Senator Dilan.
SENATOR DILAN: Present.
THE SECRETARY: Senator Espaillat.
SENATOR ESPAILLAT: Here.
THE SECRETARY: Senator Farley.
SENATOR FARLEY: Here.
THE SECRETARY: Senator Felder.

SENATOR FELDER: Here.
THE SECRETARY: Senator Flanagan.
SENATOR FLANAGAN: Here.
THE SECRETARY: Senator Gallivan.
SENATOR GALLIVAN: Here.
THE SECRETARY: Senator Gianaris.
SENATOR GIANARIS: Here.
THE SECRETARY: Senator Gipson.
SENATOR GIPSON: Here.
THE SECRETARY: Senator Golden.
SENATOR GOLDEN: Here.
THE SECRETARY: Senator Griffo.
SENATOR GRIFFO: Here.
THE SECRETARY: Senator Grisanti.
SENATOR GRISANTI: Here.
THE SECRETARY: Senator Hannon.
SENATOR HANNON: Here.
THE SECRETARY: Senator Hassell-Thompson.
SENATOR HASSELL-THOMPSON: Here.
THE SECRETARY: Senator Hoylman.
SENATOR HOYLMAN: Here.
THE SECRETARY: Senator Kennedy.
SENATOR KENNEDY: Here.
THE SECRETARY: Senator Klein.

(Senator Klein was noted as being present.)

THE SECRETARY: Senator Krueger.

SENATOR KRUEGER: Here.

THE SECRETARY: Senator Lanza.

SENATOR LANZA: Here.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Here.

THE SECRETARY: Senator Latimer.

SENATOR LATIMER: Here.

THE SECRETARY: Senator LaValle.

SENATOR LaVALLE: Here.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Present.

THE PRESIDENT: Floor Leader, a quorum is present.

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

THE PRESIDENT: Presentation of petitions.

Any messages from the Assembly.

Messages from the Governor.

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

it be read.

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

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

"Very truly yours, Andrew M. Cuomo."

THE PRESIDENT: To be filed in the Journal.

Floor Leader.

SENATOR LIBOUS: Thank you, Mr. President.

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

THE PRESIDENT: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you.

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

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

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

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

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

As we work to build our businesses,

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

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

(Applause.)

THE PRESIDENT: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

THE PRESIDENT: Senator Klein.

SENATOR KLEIN: Thank you very much, Senator Libous.

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

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

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

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

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

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

Affordable."

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

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

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

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

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

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

Thank you again, Lieutenant Governor Duffy.

(Applause.)

THE PRESIDENT: Thank you, Senator.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Thank you. Welcome. Welcome back. And welcome back, all of my colleagues, to the warm weather of Albany. I understand there's global warming going on. I don't know, it's not exactly right here.

(Laughter.)

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

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

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

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

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

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

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

children, from pre-K to college.

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

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

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

THE PRESIDENT: Thank you, Senator.

(Applause.)

THE PRESIDENT: Senator Libous.

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

THE PRESIDENT: Yes, we can.

Reports of standing committees.

Reports of select committees.

Any communications and reports from state officers.

Motions and resolutions.

Floor Leader.

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

THE PRESIDENT: Thank you. The Secretary will read.

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

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

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

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

Floor Leader.

SENATOR LIBOUS: Thank you, Mr. President.

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

THE PRESIDENT: The Secretary will read.

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

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

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

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

Senator Libous.

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

THE PRESIDENT: Senator, the desk

is clear.

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

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

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

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