

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 27, 2014

10 3:21 p.m.

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13
14 REGULAR SESSION

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17
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 please come to order.

4 I ask all those present to please
5 rise with me and recite the Pledge of
6 Allegiance.

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

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

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

14 ACTING PRESIDENT SAVINO: Reading
15 of the Journal.

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

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

23 Presentation of petitions.

24 Messages from the Assembly.

25 Messages from the Governor.

1 Reports of standing committees.

2 Reports of select committees.

3 Communications and reports from
4 state officers.

5 Motions and resolutions.

6 Senator Libous.

7 SENATOR LIBOUS: Madam President,
8 at this time could you call on Senator Tkaczyk.
9 I believe she has a group here that she would
10 like to recognize before the chamber this
11 afternoon.

12 ACTING PRESIDENT SAVINO: Senator
13 Tkaczyk.

14 SENATOR TKACZYK: Thank you, Madam
15 President.

16 I'd like to recognize that I have
17 students here from the Highland Central School
18 District in Highland, New York, along with their
19 teachers and Superintendent Deborah Haab.

20 They have spent the day here
21 learning about how government works and seeing us
22 in action. They've asked great questions. And I
23 hope they all see themselves down here on the
24 floor one day.

25 And I'd like to welcome them to the

1 Senate chamber. Thank you.

2 ACTING PRESIDENT SAVINO: Thank
3 you.

4 Welcome, all.

5 (Applause.)

6 ACTING PRESIDENT SAVINO: Senator
7 Libous.

8 SENATOR LIBOUS: Madam President, I
9 believe there's a previously adopted resolution
10 at the desk by Senator Felder, Number 2987. I
11 ask that you please read it in its entirety and
12 then call on Senator Felder to speak on it.

13 ACTING PRESIDENT SAVINO: The
14 Secretary will read.

15 THE SECRETARY: Legislative
16 Resolution Number 2987, by Senator Felder,
17 honoring the memory of Rabbi Michoel Ber
18 Weissmandl for his efforts in the United States
19 to save the European Jewish populace during
20 World War II.

21 "WHEREAS, From time to time this
22 Legislative Body takes note of certain
23 extraordinary individuals of remarkable courage
24 and strength of character who risked their own
25 lives for others, and stood with fortitude for

1 freedom and humanity; and

2 "WHEREAS, It is the sense of this
3 Legislative Body to pay tribute to the memory of
4 individuals of remarkable courage and strength of
5 character, whose purposeful lives embodied the
6 spirit of the principles upon which this nation
7 was founded, and who made their life's work the
8 support and furtherance of those principles; and

9 "WHEREAS, Attendant to such
10 concerns, and in full accord with its
11 long-standing traditions, this Legislative Body
12 is justly proud to honor the memory of
13 Rabbi Michoel Ber Weissmandl in the United States
14 to save the European Jewish populace during
15 World War II; and

16 "WHEREAS, Rabbi Michoel Ber
17 Weissmandl was instrumental in providing the
18 United States with situational awareness of the
19 Jews in Europe, specifically regarding Auschwitz,
20 the largest and most notorious of the Nazi
21 concentration camp networks, which ultimately led
22 to a halt to the deportations of the remaining
23 Hungarian Jewry; and

24 "WHEREAS, Rabbi Michoel Ber
25 Weissmandl's daring efforts to save the Jews of

1 Slovakia from extermination at the hands of the
2 Nazis during the Holocaust included helping to
3 establish the 'Working Group,' an underground
4 organization which raised funds to negotiate
5 ransom with German and Slovakian officials in
6 order to delay mass deportations and, via the
7 famous Europa Plan, to secure the release of
8 Jews; and

9 "WHEREAS, Rabbi Michoel Ber
10 Weissmandl was also able to smuggle letters and
11 telegrams to leaders with abilities he hoped
12 would help save the Jews of Europe, including
13 President Franklin Delano Roosevelt and
14 Winston Churchill, and alerting them to the
15 progressive Nazi destruction of European Jewry;
16 in addition, he provided actionable intel in
17 terms of where the railroads and crematoriums
18 should be bombed; and

19 "WHEREAS, The courage, wisdom and
20 tenacity of this determined man laid the
21 groundwork for several rescue missions, including
22 the Mantello Mission and the Wallenberg Mission,
23 which freed tens of thousands of Hungarian Jews;
24 and

25 "WHEREAS, Rabbi Michoel Ber

1 Weissmandl's combined actions, by some accounts,
2 has amounted to being responsible for as many as
3 two-thirds of the Holocaust survivors living in
4 Brooklyn; and

5 "WHEREAS, Today, more than 55 years
6 after his death, the bravery and willingness of
7 Rabbi Michoel Ber Weissmandl to fight for the
8 lives of his fellow human beings, and to secure
9 the very existence of future generations of
10 European Jews, continues to inspire, and is
11 deserving of the highest honor by all defenders
12 of freedom; and

13 "WHEREAS, This Legislative Body is
14 pleased to have this opportunity to express its
15 highest admiration for Rabbi Michoel Ber
16 Weissmandl; now, therefore, be it

17 "RESOLVED, That this Legislative
18 Body pause in its deliberations to honor the
19 memory of Rabbi Michoel Ber Weissmandl in the
20 United States to save the European Jewish
21 populace during World War II."

22 ACTING PRESIDENT SAVINO: Senator
23 Felder on the resolution.

24 SENATOR FELDER: Today marks the
25 69th anniversary of the liberation of the

1 Auschwitz death camps.

2 How do we legislate godliness? How
3 do we legislate bravery, sincerity, modesty and
4 clarity of mission? We can't do that. But what
5 we can do today is make sure to remember the life
6 of a holy man that did everything humanly
7 possible without making a splash.

8 And I would assume many, many of you
9 never heard of this man. And the reason you did
10 not is because that is how he did things and
11 that's how he lived his life. Say little, but do
12 a lot.

13 Rabbi Weissmandl spent most of his
14 years -- he died at a young age, but he spent
15 most of his years here trying to help save people
16 from their ultimate death, many people, in the
17 ultimate death of so many millions of people,
18 including Jews, in the death camps.

19 So the less we talk about him the
20 better, because I think that symbolizes what his
21 life was all about -- doing the right thing, not
22 talking about it much, and just doing things to
23 make sure that at the end of the day we are able
24 to come up to our Maker and be able to say that
25 we did everything possible to live our lives

1 helping others.

2 ACTING PRESIDENT SAVINO: Senator
3 Squadron on the resolution.

4 SENATOR SQUADRON: Thank you.

5 And I want to thank Senator Felder
6 for bringing this resolution and taking a moment
7 in this legislative chamber to acknowledge the
8 history that is really quite recent and so
9 unspeakably horrific.

10 And it's appropriate that today this
11 resolution talks about Rabbi Weissmandl because
12 of the fact that he is so anonymous to so many,
13 and the fact that that sort of heroism is really
14 what ensured that there would be impacts well
15 beyond the horrible years of World War II and the
16 Holocaust, but ensured that communities, the
17 Jewish community and our community in New York,
18 would thrive for years to come.

19 In my district in Brooklyn, across
20 New York City and New York State, we are a
21 different, stronger place today because of the
22 heroism of so many 60 and 65 and 70 years ago.
23 And an acknowledgment of that by this legislative
24 body is appropriate, moving, important. In the
25 name of Rabbi Weissmandl and all the others who

1 we will never honor, all the others who were able
2 to start a new life and have started families and
3 communities here -- from my wife and her
4 grandmother and grandfather, who survived, to my
5 constituents, to so many others -- I thank
6 Senator Felder and add my name to this
7 resolution.

8 ACTING PRESIDENT SAVINO: Senator
9 Dilan on the resolution.

10 SENATOR DILAN: Madam President, I
11 rise to support the resolution and thank the
12 Senate for memorializing Rabbi Weissmandl, and
13 also to acknowledge that we do have a large
14 contingent of rabbis here from Brooklyn, some
15 from my district.

16 And also we do have present with us
17 the son of Rabbi Michoel Weissmandl here with us
18 this afternoon in the gallery.

19 So thank you to all.

20 (Applause.)

21 ACTING PRESIDENT SAVINO: Thank
22 you, Senator Dilan.

23 We have been joined by the family
24 and friends of Rabbi Weissmandl. We would ask
25 you to stand now and be appropriately recognized.

1 (Applause.)

2 ACTING PRESIDENT SAVINO: This
3 resolution was previously adopted.

4 Senator Libous.

5 SENATOR LIBOUS: I believe that
6 Senator Felder would like to open the resolution
7 up for sponsorship. So as our policy goes, if
8 for some reason if a member wishes not to go on
9 the resolution, please let the desk know.
10 Otherwise everyone will be on the resolution.

11 Madam President, thank you. I
12 believe there's a previously adopted resolution
13 by Senator Squadron. It's Number 2924. It's at
14 the desk. And can we read the title and call on
15 Senator Squadron.

16 ACTING PRESIDENT SAVINO: The
17 Secretary will read.

18 THE SECRETARY: Legislative
19 Resolution Number 2924, by Senator Squadron,
20 commemorating the Asian-American community's
21 celebration of the Lunar New Year, 4712, the Year
22 of the Horse, on January 31, 2014.

23 ACTING PRESIDENT SAVINO: Senator
24 Squadron on the resolution.

25 SENATOR SQUADRON: Thank you.

1 Senators, if ever there is a doubt
2 that this is the absolute greatest state on
3 earth, I think that the communities that we are
4 honoring today and the extraordinary diversity
5 and vibrancy of our state answers the question.

6 In addition in my district, in the
7 same little Senate district, we have a very
8 strong Asian-American community. The traditional
9 Chinatown in Manhattan is in my district. And we
10 are coming up to a great celebratory season as we
11 enter into the Year of the Horse.

12 Now, the Asian Lunar New Year
13 holiday has become a significant holiday across
14 the city and the state. A full one-sixth of
15 students in the New York City public school
16 system are Asian-American. And it is so
17 important that we take a moment to honor this
18 great holiday.

19 I had a son born in the Year of the
20 Snake, the year that we are exiting, so I am
21 partial to the snake. But the horse itself is
22 also apparently a wonderful year full of all
23 sorts of good fortune, for anyone planning to
24 have a have a child in the next year, and you
25 still have 12 months to make that happen.

1 The horse enjoys a healthy sense of
2 humor, a desire to be at the center of
3 attention -- appropriate for an elected
4 official's family member -- well-liked by many
5 people, few close friends, bringing an energy and
6 laughter to their groups, new solutions to
7 problems, and a can-do attitude. Exactly the
8 sorts of qualities that we want to honor at the
9 same time that we honor this great tradition.

10 For anyone who's free this Sunday,
11 please join people from around the world in the
12 heart of the American Chinese community as we
13 march through Chinatown for the Lunar New Year
14 parade. I know Senator Stavisky will be having a
15 second one that's also significant and wonderful
16 in her district the following Saturday.

17 The Lunar New Year is one of the
18 really important holidays in this state today
19 because this community is one of the really
20 important communities in this state that makes us
21 who we are. I'm so proud to represent a part of
22 it and so excited to enter the Year of the
23 Horse.

24 Thank you, Senator Savino.

25 ACTING PRESIDENT SAVINO: Senator

1 Stavisky on the resolution.

2 SENATOR STAVISKY: Thank you,
3 Madam President.

4 And not only is this a great
5 state -- we in the first resolution honored a
6 rabbi who saved people's lives from the
7 Holocaust. And I have Holocaust survivors in my
8 district, housing particularly, built by Selfhelp
9 for Holocaust survivors, but I also represent
10 more than a 150,000 Asian-Americans.

11 So we do have something in common in
12 New York State, and that is the diversity that
13 makes us such a strong, strong state. And in
14 fact Asian-Americans are the largest immigrant
15 population coming to Queens County.

16 As I said, I represent more than
17 150,000 Asian-Americans. And they come from all
18 over. They come from China, the People's
19 Republic of China, from Taiwan, from Korea, from
20 the Philippines, where various people celebrate
21 the Asian Lunar New Year.

22 They started coming, incidentally,
23 in the 1970s, and the numbers are growing and
24 growing. And they participate in the life of the
25 community. Not just the businesses, but the

1 social and cultural life.

2 And as Senator Squadron said, we
3 have parades. We have a Lunar New Year
4 committee, and we meet every Tuesday evening
5 until the actual parade day.

6 How do they celebrate the Lunar
7 New Year? The same way everybody else does, with
8 food. With food and with festivities and with
9 family gatherings. People, you notice, will be
10 wearing red. Red is a symbol of success and
11 prosperity and good luck.

12 And so as we all celebrate the
13 holidays together, may I wish my
14 Mandarin-speaking friends a Happy New Year:
15 Shieng Niyen Quawai Lu. And in Korean, Sehe Bok
16 Manee Bateuseyo.

17 So again, I will cosponsor the
18 legislation with Senator Squadron. Thank you.

19 ACTING PRESIDENT SAVINO: Thank
20 you, Senator Stavisky.

21 Are there any other members wishing
22 to be heard on the resolution?

23 (No response.)

24 ACTING PRESIDENT SAVINO: Seeing
25 none, this resolution was previously adopted on

1 January 23rd.

2 Senator Libous.

3 SENATOR LIBOUS: Thank you,
4 Madam President.

5 I believe Senator Gianaris and, um,
6 Senator Carlucci -- I had a moment there. I'm
7 used to seeing Senator Valesky, and I didn't want
8 to call you Valesky -- have some motions that
9 they'd like to bring before the house.

10 ACTING PRESIDENT SAVINO: Senator
11 Carlucci.

12 SENATOR CARLUCCI: Madam President,
13 on behalf of Senator Valesky I move to recommit
14 Senate Print Number 6004, Calendar Number 5 on
15 the order of third reading, to the Committee on
16 Rules, with instructions to strike the enacting
17 clause.

18 ACTING PRESIDENT SAVINO: So
19 ordered.

20 Senator Gianaris.

21 SENATOR GIANARIS: Thank you,
22 Madam President.

23 On behalf of Senator Latimer, I move
24 the following bill be discharged from its
25 respective committee and recommitted with

1 instructions to strike the enacting clause:

2 Senate Bill 4504B.

3 ACTING PRESIDENT SAVINO: So
4 ordered.

5 Senator Libous.

6 SENATOR LIBOUS: Thank you,
7 Madam President.

8 On behalf of Senator Ball, I move
9 that the following bills be discharged from their
10 respective committees and be recommitted with
11 instructions to strike the enacting clause:
12 Senate Bill Numbers 2579, 2653, 3506 and 6263,
13 please.

14 ACTING PRESIDENT SAVINO: So
15 ordered, Senator Libous.

16 SENATOR LIBOUS: Thank you.

17 At this time there will be an
18 immediate meeting of the Rules Committee in
19 Room 332. The Senate will stand at ease, and
20 then we'll come back and take up a couple of
21 pieces of legislation.

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

25 The Senate will stand at ease

1 pending the return of the Rules Committee.

2 (Whereupon, the Senate stood at ease
3 at 3:39 p.m.)

4 (Whereupon, the Senate reconvened at
5 4:00 p.m.)

6 ACTING PRESIDENT SAVINO: Senator
7 Libous.

8 SENATOR LIBOUS: Thank you,
9 Madam President.

10 Can we please return to reports of
11 standing committees. I believe there's a report
12 of the Rules Committee at the desk.

13 ACTING PRESIDENT SAVINO: Senator
14 Libous, there is a report of the Rules Committee
15 at the desk.

16 The Secretary will read.

17 THE SECRETARY: Senator Skelos,
18 from the Committee on Rules, reports the
19 following bills:

20 Senate Print 966, by Senator Libous,
21 an act to amend the Social Services Law;

22 And Senate 6438, by Senator Klein,
23 an act prohibiting.

24 Both bills reported direct to third
25 reading.

1 ACTING PRESIDENT SAVINO: Senator
2 Libous.

3 SENATOR LIBOUS: I move to accept
4 the report of the Rules Committee,
5 Madam President.

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

9 (Response of "Aye.")

10 ACTING PRESIDENT SAVINO: Opposed,
11 nay.

12 (No response.)

13 ACTING PRESIDENT SAVINO: The
14 report is accepted.

15 Senator Libous.

16 SENATOR LIBOUS: Thank you,
17 Madam President.

18 At this time could we take up the
19 noncontroversial reading of the active list for
20 Monday, January 27th.

21 ACTING PRESIDENT SAVINO: The
22 Secretary will proceed with the reading of the
23 noncontroversial active list.

24 THE SECRETARY: Calendar Number 1,
25 by Senator Skelos, Senate Print 5922, an act

1 authorizing.

2 SENATOR GIANARIS: Lay it aside.

3 ACTING PRESIDENT SAVINO: The bill
4 is laid aside.

5 THE SECRETARY: Calendar Number 2,
6 by Senator Seward, Senate Print 5931, an act to
7 enact.

8 ACTING PRESIDENT SAVINO: Read the
9 last section.

10 THE SECRETARY: Section 10. This
11 act shall take effect immediately.

12 ACTING PRESIDENT SAVINO: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT SAVINO: Senator
16 Tkaczyk to explain her vote.

17 SENATOR TKACZYK: Yes, I'd like to
18 explain my vote on this legislation.

19 First of all, I'd like to thank
20 Senator Seward and my colleagues for bringing
21 this important legislation to the floor today.
22 It means a great deal to constituents in my
23 district, especially the residents in the village
24 of Fort Plain, in Montgomery County, who were hit
25 hard by the floods of last summer.

1 I was in Fort Plain immediately
2 after the floods receded, helping with cleanup
3 efforts and meeting with local residents. The
4 people of Fort Plain are remarkably resilient,
5 and they're committed to rebuilding their lives
6 and their community. But the one concern I heard
7 over and over again when I was meeting with
8 people is that they can't pay their property tax
9 bills because their property is no longer
10 habitable. And they were facing tax bills that
11 they could not afford and they could not pay.

12 This legislation is clearly needed
13 so that homeowners and businesses can put their
14 resources into rebuilding rather than paying tax
15 bills for property they can't use.

16 I've been advocating for this
17 legislation since the flooding occurred. My only
18 disappointment is that we couldn't get it done
19 sooner. We never know when disaster will strike
20 our communities. Sometimes those disasters
21 happen when we're not in session. That's why I'm
22 advocating that in the future we look at our
23 legislative calendar and plan a session day in
24 the fall so that we can address emergencies that
25 occur like this.

1 Six months is a long time to go
2 without a session. Having a session day in the
3 fall will help us do a better job of representing
4 our constituents and taking care of the issues
5 they need to have addressed more quickly.

6 Thank you. I vote aye.

7 ACTING PRESIDENT SAVINO: Senator
8 Tkaczyk to be recorded in the affirmative.

9 Are there any other members wishing
10 to explain their vote?

11 (No response.)

12 ACTING PRESIDENT SAVINO: Seeing
13 none, announce the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT SAVINO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number 3,
18 by Senator Seward, Senate Print 5985, an act to
19 amend the Tax Law.

20 ACTING PRESIDENT SAVINO: Read the
21 last section.

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

24 ACTING PRESIDENT SAVINO: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT SAVINO: Announce
3 the results.

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT SAVINO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number 4,
8 by Senator Griffo, Senate Print 5987, an act to
9 amend the State Finance Law.

10 ACTING PRESIDENT SAVINO: Read the
11 last section.

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

14 ACTING PRESIDENT SAVINO: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT SAVINO: Announce
18 the results.

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT SAVINO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number 53,
23 by Senator Valesky, Senate Print 6345, an act to
24 amend the Canal Law.

25 ACTING PRESIDENT SAVINO: Read the

1 last section.

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

4 ACTING PRESIDENT SAVINO: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT SAVINO: Announce
8 the results.

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT SAVINO: The bill
11 is passed.

12 Senator Libous, that completes the
13 reading of the noncontroversial calendar.

14 SENATOR LIBOUS: Madam President,
15 if we could just sit at ease here temporarily.
16 And if members could just chill out for a bit,
17 we'll see where we go.

18 ACTING PRESIDENT SAVINO: The
19 Senate will chill out for a bit.

20 (Laughter.)

21 SENATOR LIBOUS: Madam President,
22 we are done chilling out.

23 (Laughter.)

24 ACTING PRESIDENT SAVINO: Senator
25 Libous.

1 SENATOR LIBOUS: And if we could
2 take Senate 5922 and lay that aside for the day.

3 ACTING PRESIDENT SAVINO: The bill
4 is laid aside for the day.

5 Senator Libous.

6 SENATOR LIBOUS: Madam President, I
7 have an announcement that members of the Civil
8 Service and Pensions Committee would be
9 interested in.

10 There will be an immediate meeting
11 of the Civil Service and Pensions Committee
12 following session in Room 123 of the Capitol --
13 Civil Service and Pensions, Room 123 of the
14 Capitol -- immediately after session, which is
15 going to end pretty quick.

16 ACTING PRESIDENT SAVINO: There
17 will be an immediate meeting of the Civil Service
18 and Pensions Committee in Room 123 of the Capitol
19 immediately following session.

20 Senator Libous.

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

23 ACTING PRESIDENT SAVINO: No,
24 Senator Libous, there is no further business at
25 the desk.

1 SENATOR LIBOUS: Thank you,
2 Madam President.

3 There being no further business, I
4 move that the Senate adjourn until Tuesday,
5 January 28th, at 11:00 a.m.

6 ACTING PRESIDENT SAVINO: There
7 being no further business before the Senate, on
8 motion, the Senate stands adjourned until
9 Tuesday, January 28th, at 11:00 a.m.

10 (Whereupon, at 4:05 p.m., the Senate
11 adjourned.)

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