

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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7  
8 ALBANY, NEW YORK

9 February 3, 2014

10 3:35 p.m.

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13  
14 REGULAR SESSION

15  
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17  
18 SENATOR PATRICK M. GALLIVAN, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

9 ACTING PRESIDENT GALLIVAN: Today  
10 we are joined by the Reverend Peter G. Young, of  
11 Mother Teresa Community Church, who will give our  
12 invocation.

13 REVEREND YOUNG: Thank you,  
14 Senator.

15 Usually we say please bow your  
16 heads, but today we ask you to join with us in  
17 looking at that beautiful stained glass window  
18 that's behind me, because that is the symbol of  
19 New York State. It says Excelsior, "Ever  
20 Upward."

21 And as we find it replacing the  
22 crown in 1777, it represents our Lady Liberty  
23 with a peasant cap representing our rule here as  
24 a nation, her left foot stepping on the crown  
25 representing the rejection of royalty.

1           As citizens of the Empire State, we  
2     have been therefore becoming then the leader with  
3     our constitution 12 years before the federal  
4     Constitution, and we became the national leader.

5           Therefore, in this assembly and in  
6     the chamber of the Senate You have given these  
7     Senators a great power of leadership and  
8     responsibility.

9           And now we pray that we then will  
10    always have the working image and honor for all  
11    of those -- and good health -- that are here for  
12    all of our New Yorkers.

13           Amen.

14           ACTING PRESIDENT GALLIVAN:    The  
15    reading of the Journal.

16           The Secretary will read.

17           THE SECRETARY:    In Senate, Friday,  
18    January 31st, the senate met pursuant to  
19    adjournment.    The Journal of Thursday,  
20    January 30th, was read and approved.    On motion,  
21    Senate adjourned.

22           ACTING PRESIDENT GALLIVAN:    Without  
23    objection, the Journal stands approved as read.

24           Presentation of petitions.

25           Messages from the Assembly.

1           The Secretary will read the  
2       substitution.

3           THE SECRETARY:    On page 11, Senator  
4       Ball moves to discharge, from the Committee on  
5       Rules, Assembly Bill Number 8397A and substitute  
6       it for the identical Senate Bill Number 6335,  
7       Third Reading Calendar 52.

8           ACTING PRESIDENT GALLIVAN:    The  
9       substitution is so ordered.

10           Messages from the Governor.

11           Reports of standing committees.

12           Reports of select committees.

13           Communications and reports from  
14       state officers.

15           Motions and resolutions.

16           Senator Libous.

17           SENATOR LIBOUS:    Thank you,  
18       Mr. President.

19           Could you please call on  
20       Senator Valesky, then Senator Gianaris, and then  
21       myself on motions.

22           ACTING PRESIDENT GALLIVAN:    Senator  
23       Valesky.

24           SENATOR VALESKY:    Mr. President, I  
25       move that the following bills be discharged from

1     their respective committees and be recommitted  
2     with instructions to strike the enacting clause:  
3     Senate Bills 2260, 2252, 2262, 2429, 3799, and  
4     2324.

5                     ACTING PRESIDENT GALLIVAN:     So  
6     ordered.

7                     Senator Gianaris.

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

10                    On behalf of Senator Perkins, I move  
11     that the following bill be discharged from its  
12     respective committee and be recommitted with  
13     instructions to strike the enacting clause:  
14     Senate Bill 1255.

15                    ACTING PRESIDENT GALLIVAN:     So  
16     ordered.

17                    Senator Libous.

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

20                    On behalf of Senator Griffo, I move  
21     that the following bills be discharged from their  
22     respective committees and be recommitted with  
23     instructions to strike the enacting clause, those  
24     bills being Senate Print 2401, 2493, 2596, 3106,  
25     and 5103.

1           ACTING PRESIDENT GALLIVAN:    So  
2   ordered.

3           Senator Libous.

4           SENATOR LIBOUS:    Mr. President, at  
5   this time could we have the reading of the  
6   noncontroversial calendar.

7           ACTING PRESIDENT GALLIVAN:    The  
8   Secretary will read.

9           THE SECRETARY:    Calendar Number 1,  
10   by Senator Skelos, Senate Print 5922, an act  
11   authorizing.

12          SENATOR GIANARIS:   Lay it aside.

13          ACTING PRESIDENT GALLIVAN:    There  
14   is a home-rule message at the desk.

15          The bill is laid aside.

16          THE SECRETARY:    Calendar Number 41,  
17   by Senator Grisanti, Senate Print 6165A, an act  
18   to amend Chapter 274 of the Laws of 2010.

19          ACTING PRESIDENT GALLIVAN:    Read  
20   the last section.

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

23          ACTING PRESIDENT GALLIVAN:    Call  
24   the roll.

25          (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 53.

2 ACTING PRESIDENT GALLIVAN: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number 52,  
5 substituted earlier today by Member of the  
6 Assembly Benedetto, Assembly Print Number 8397A,  
7 an act to amend Chapter 557 of the Laws of 2013.

8 ACTING PRESIDENT GALLIVAN: Read  
9 the last section.

10 THE SECRETARY: Section 2. This  
11 act shall take effect immediately.

12 ACTING PRESIDENT GALLIVAN: Call  
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 53.

16 ACTING PRESIDENT GALLIVAN: The  
17 bill is passed.

18 Senator Libous, that completes the  
19 noncontroversial reading of the calendar.

20 SENATOR LIBOUS: Could we have the  
21 reading of the controversial calendar.

22 ACTING PRESIDENT GALLIVAN: The  
23 Secretary will read.

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

1 authorizing.

2 ACTING PRESIDENT GALLIVAN: Senator  
3 Stavisky.

4 SENATOR STAVISKY: May I have an  
5 explanation, please.

6 ACTING PRESIDENT GALLIVAN: Senator  
7 Libous.

8 SENATOR LIBOUS: Senator and  
9 Mr. President, I am going to pinch-hit for  
10 Senator Skelos. And, Mr. President and Senator,  
11 I'll do the best I can. But as you know, in  
12 baseball sometimes pinch hitters strike out and  
13 sometimes they get hits. So I'm try to get a hit  
14 here.

15 ACTING PRESIDENT GALLIVAN: Senator  
16 Libous for an explanation.

17 SENATOR LIBOUS: I believe the bill  
18 extends bonding authority for the City of  
19 Long Beach to offset expenses that were not  
20 covered under Hurricane Sandy.

21 SENATOR STAVISKY: If the Senator  
22 would yield for a number of questions.

23 SENATOR LIBOUS: I'll be happy to  
24 do the best I can.

25 SENATOR STAVISKY: You did such a



1 great job at the end of session describing, you  
2 remember that, the tennis center, that I have  
3 great faith that you will --

4 SENATOR LIBOUS: Senator Avella was  
5 egging me on, I think.

6 (Laughter.)

7 SENATOR STAVISKY: This bill was  
8 introduced in 2012 as well. How do the two bills  
9 differ?

10 SENATOR LIBOUS: Mr. President,  
11 I'll answer there was an issue with the last  
12 legislation as far as the timing of the bonding.  
13 And I believe this piece of legislation clears  
14 that up.

15 SENATOR STAVISKY: Let me rephrase  
16 my question to give you a hint.

17 Didn't the 2012 bill include bonding  
18 for a larger amount, for \$15 million, but also to  
19 help pay off some of the debts that had been  
20 incurred, whereas the 2013 bill --

21 SENATOR LIBOUS: Mr. President, the  
22 Senator is correct.

23 SENATOR STAVISKY: But the 2013  
24 bill was to remedy some of the effects of  
25 Hurricane Sandy.

1                   SENATOR LIBOUS:     That's correct,  
2     Mr. President.

3                   SENATOR STAVISKY:     Would the  
4     Senator continue to yield.

5                   SENATOR LIBOUS:     I would.

6                   SENATOR STAVISKY:     There was a  
7     report by the Comptroller in July of 2013 which  
8     was a supplement of previous audits that had been  
9     done where the fiscal status, the fiscal  
10    situation in the City of Long Beach had been  
11    called into question.  And by 2013, in July, the  
12    Comptroller found many improvements.

13                   Have you seen the Comptroller's  
14    report?

15                   SENATOR LIBOUS:     Mr. President, I  
16    haven't, but I'm sure the sponsor of the bill  
17    has.

18                   SENATOR STAVISKY:     In fact, if the  
19    Senator would continue to yield.

20                   SENATOR LIBOUS:     I'll continue to  
21    yield, yes.

22                   SENATOR STAVISKY:     The Comptroller  
23    issued a press release at the time which said  
24    "Long Beach faces fiscal challenges but moving in  
25    right direction."

1                   Would you say that the City of  
2 Long Beach has improved its attempt to reduce  
3 some of the expenses that -- where the  
4 Comptroller had criticized the city in previous  
5 audits?

6                   SENATOR LIBOUS:    Mr. President, I  
7 believe I can try to answer that.

8                   According to the city, the note that  
9 I have here, they no longer are operating at a  
10 deficit. It's raised real property taxes in 2012  
11 by 16 percent -- I almost choke to say that --  
12 and dedicating the revenues to the deficit.

13                  SENATOR STAVISKY:   Thank you,  
14 Senator. And just a couple of additional  
15 questions.

16                  SENATOR LIBOUS:    Sure.

17                  SENATOR STAVISKY:   Are you familiar  
18 with Moody's and their bond rating of the City of  
19 Long Beach?

20                  SENATOR LIBOUS:    Mr. President,  
21 having been a former banker, I am very familiar  
22 with Moody's, but not in particular with the City  
23 of Long Beach.

24                  SENATOR STAVISKY:   Well, they had  
25 indicated that -- they had rated the City of

1 Long Beach bonds at BAA3, and they said that they  
2 were stable. Would you consider the finances to  
3 be in a stable condition?

4 SENATOR LIBOUS: I would give my  
5 opinion, Mr. President, and that I think that  
6 there are probably a number of cities these days  
7 that are even in worse than a B rating. So I  
8 would say that it was -- stable is probably a  
9 fair assessment, maybe.

10 SENATOR STAVISKY: And one last  
11 area, if the Senator would yield.

12 SENATOR LIBOUS: I will be happy  
13 to, Mr. President.

14 SENATOR STAVISKY: What is going to  
15 be used to secure the bonds? Nassau County, in  
16 their NIFA bonds, they used the sales tax. These  
17 are serial bonds, bonds with bond anticipation  
18 notes. But what is going to be behind -- what  
19 security is there for the bonds?

20 SENATOR LIBOUS: Mr. President, the  
21 senator asks a good question. I don't know the  
22 direct answer to that. I could make an  
23 assumption that it would be paid out of general  
24 tax revenues, but I don't -- Senator, I honestly  
25 don't know, and therefore I don't want to give

1     you an incorrect answer. But normally bonds are  
2     backed by some sort of a revenue stream.

3                 SENATOR STAVISKY: It is not in the  
4     bill. It simply says serial bonds.

5                 All right, let me just talk on the  
6     bill very briefly.

7                 ACTING PRESIDENT GALLIVAN: Senator  
8     Stavisky on the bill.

9                 SENATOR STAVISKY: Thank you,  
10    Senator. Thank you.

11                SENATOR LIBOUS: How did I do as a  
12    pinch hitter?

13                SENATOR STAVISKY: We'll know after  
14    the vote.

15                (Laughter.)

16                ACTING PRESIDENT GALLIVAN: Senator  
17    Stavisky.

18                SENATOR STAVISKY: If this is part  
19    of the core curriculum test, this is not a  
20    high-stakes test.

21                I have a number of concerns with the  
22    bill. Number one, increasing the debt for the  
23    City of Long Beach.

24                Nassau County has issued bonds where  
25    presently, or the last numbers that I saw, about

1 13.5 percent of the Nassau County budget is debt  
2 service. And that is a dangerous area. Senator  
3 Skelos, the sponsor of the bill, a number of  
4 years ago raised these same questions. In 2012,  
5 same questions.

6 But I'm going to vote for the bill,  
7 and let me tell you why. I believe that the City  
8 of Long Beach has the right to make its own  
9 self-determination, the same way as the City of  
10 Buffalo or the City of Rochester or the City of  
11 Poughkeepsie. These municipalities have the  
12 right to determine their destiny, and so does the  
13 City of New York.

14 And therefore, it seems to me that  
15 Long Beach should decide -- if they choose to  
16 borrow, and it's up to \$12 million, they should  
17 have that right also.

18 So I vote aye, Mr. President.

19 ACTING PRESIDENT GALLIVAN: Are  
20 there any other Senators wishing to be heard?

21 Seeing none, the debate is closed.

22 The Secretary will ring the bell.

23 SENATOR LIBOUS: Mr. President,  
24 while we're waiting for members to come to the  
25 chamber, I just want to mention that there is a

1 Health, I believe, Committee hearing taking  
2 place.

3 Therefore, for those members,  
4 Rule 10 will come into effect, and they would  
5 just need to let the desk know and fill out the  
6 proper form before the end of the day.

7 ACTING PRESIDENT GALLIVAN: Thank  
8 you, Senator Libous.

9 SENATOR LIBOUS: Health and  
10 Finance. Whoever is at the committee meeting.

11 ACTING PRESIDENT GALLIVAN: Read  
12 the last section.

13 THE SENATOR: Section 4. This act  
14 shall take effect immediately.

15 ACTING PRESIDENT GALLIVAN: Call  
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT GALLIVAN: Senator  
19 Perkins.

20 SENATOR PERKINS: I'd like to  
21 explain my vote.

22 ACTING PRESIDENT GALLIVAN: Senator  
23 Perkins to explain his vote.

24 SENATOR PERKINS: I rise today to  
25 support the constitutionally protected right of

1 home rule.

2 I recognize and support  
3 Senator Skelos in his desire to serve the  
4 specific needs of residents of Long Beach, who  
5 are still recovering from the wrath of  
6 Superstorm Sandy and have exercised a local  
7 option to incur long-term indebtedness to pay for  
8 necessary post-storm recovery expenses with all  
9 due speed.

10 There is a clear parallel here as it  
11 relates to this body and this legislative session  
12 in the form of the people of New York City and  
13 the local government of New York City exercising  
14 their inviolable right to establish local policy  
15 and priorities.

16 The issue of universal pre-K and the  
17 comprehensive plan to fund it in a fiscally sound  
18 and fundamentally equitable manner is a singular  
19 priority of mine and many of my colleagues, of  
20 the City Council and the Mayor of New York City,  
21 and most importantly of the children and families  
22 across the five boroughs.

23 Senator Skelos, I stand with you  
24 today and the residents of Long Beach in your  
25 collective moment of need, and I invite you to



1 stand with the residents of New York City when  
2 they speak in one voice on a matter of vital and  
3 critical importance.

4 I vote aye.

5 ACTING PRESIDENT GALLIVAN: Senator  
6 Perkins in the affirmative.

7 Announce the results.

8 THE SECRETARY: Ayes, 54.

9 ACTING PRESIDENT GALLIVAN: The  
10 bill is passed.

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

13 ACTING PRESIDENT GALLIVAN: There  
14 is no further business at the desk,  
15 Senator Libous.

16 SENATOR LIBOUS: Thank you,  
17 Mr. President.

18 There being no further business at  
19 the desk, I move that the Senate adjourn until  
20 Tuesday, February 4th, at 3:00 p.m.

21 ACTING PRESIDENT GALLIVAN: On  
22 motion, the Senate stands adjourned until  
23 Tuesday, February 4th, at 3:00 p.m.

24 (Whereupon, at 3:53 p.m., the Senate  
25 adjourned.)