NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:35 p.m.

REGULAR SESSION

SENATOR PATRICK M. GALLIVAN, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GALLIVAN: The Senate will come to order.

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

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

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

REVEREND YOUNG: Thank you, Senator.

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

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

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

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

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

Amen.

ACTING PRESIDENT GALLIVAN: The reading of the Journal.

The Secretary will read.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read the substitution.

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

ACTING PRESIDENT GALLIVAN: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT GALLIVAN: Senator Valesky.

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

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

ACTING PRESIDENT GALLIVAN: So ordered.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

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

ACTING PRESIDENT GALLIVAN: So ordered.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT GALLIVAN: So ordered.

Senator Libous.

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

ACTING PRESIDENT GALLIVAN: The Secretary will read.

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

SENATOR GIANARIS: Lay it aside.

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

The bill is laid aside.

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

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GALLIVAN: The bill is passed.

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

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GALLIVAN: The bill is passed.

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

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

ACTING PRESIDENT GALLIVAN: The Secretary will read.

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

authorizing.

ACTING PRESIDENT GALLIVAN: Senator Stavisky.

SENATOR STAVISKY: May I have an explanation, please.

ACTING PRESIDENT GALLIVAN: Senator Libous.

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

ACTING PRESIDENT GALLIVAN: Senator Libous for an explanation.

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

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

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

SENATOR STAVISKY: You did such a

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

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

(Laughter.)

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

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

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

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

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

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

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

SENATOR STAVISKY: Would the Senator continue to yield.

SENATOR LIBOUS: I would.

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

Have you seen the Comptroller's report?

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

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

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

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

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

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

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

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

SENATOR LIBOUS: Sure.

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT GALLIVAN: Senator Stavisky on the bill.

SENATOR STAVISKY: Thank you, Senator. Thank you.

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

SENATOR STAVISKY: We'll know after the vote.

(Laughter.)

ACTING PRESIDENT GALLIVAN: Senator Stavisky.

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

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

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

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

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

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

So I vote aye, Mr. President.

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

Seeing none, the debate is closed.

The Secretary will ring the bell.

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

Health, I believe, Committee hearing taking place.

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

ACTING PRESIDENT GALLIVAN: Thank you, Senator Libous.

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

ACTING PRESIDENT GALLIVAN: Read the last section.

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

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GALLIVAN: Senator Perkins.

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

ACTING PRESIDENT GALLIVAN: Senator Perkins to explain his vote.

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

home rule.

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

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

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

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

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

I vote aye.

ACTING PRESIDENT GALLIVAN: Senator Perkins in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GALLIVAN: The bill is passed.

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

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

SENATOR LIBOUS: Thank you, Mr. President.

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

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

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