NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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REGULAR SESSION

LIEUTENANT GOVERNOR KATHLEEN C. HOCHUL, President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

THE PRESIDENT: 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.)

THE PRESIDENT: The Reverend Gregory Wilk is with us this morning to give the invocation. He's the pastor of Abundant Life Church of God in Holbrook.

REVEREND WILK: Good morning. Good morning. Thank you.

Let us join our right hand, that represents power and strength, with our left hand, that represents compassion and mercy.

Father, I pronounce a blessing upon this Senate body, its members and staff.

May they, like Noah, work this year, 2016, to create a new beginning.

May they, like Abraham, have the faith to move legislation forward.

May they, like David, face the Goliaths, having the wisdom of Solomon.

May they, like Deborah and Esther, pray, protecting the oppressed, the least and the last.

May they, like Mary and Jesus, in humility surrender their will to the greater.

May they, like the sons of Issachar, know the urgency of the time, work together, knowing what they do today will affect tomorrow.

May they take on the challenges that face them with resolve and determination, with Your guidance.

Blessings upon every Senate member, staff, citizen of this great State of New York and these United States.

Amen, in the mighty name of the God of Abraham, Isaac, and Jacob. And in Jesus' name, God bless.

THE PRESIDENT: Thank you, Reverend.

The reading of the Journal.

THE SECRETARY: In Senate, Monday, January 11th, the Senate met pursuant to adjournment. The Journal of Sunday, January 10th, was read and approved. On motion,

Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Madam President, on page 5 I offer the following amendments to Calendar Number 12, Senate Print 6381, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendments are received, and the bill shall retain its place on the Third Reading Calendar.

SENATOR DeFRANCISCO: I would also like to call up Bill --

THE PRESIDENT: (Gaveling.) May I have some order.

SENATOR DeFRANCISCO: -- Bill

Print 6388, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 19, by Senator Lanza, Senate Print 6388, an act to amend the General City Law.

SENATOR DeFRANCISCO: I now move to reconsider the vote by which the bill was passed.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

THE PRESIDENT: The bill is restored to its place on the Third Reading Calendar.

SENATOR DeFRANCISCO: All right. I wish to call up Bill Print Number 6424, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read the title of the bill.

THE SECRETARY: Calendar Number 35, by Senator Bonacic, Senate Print 6424, an act to amend Chapter 510 of the Laws of 2013.

SENATOR DeFRANCISCO: Madam

President, I now move to reconsider the vote by which this bill was passed.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

THE PRESIDENT: The bill is restored to its place on the Third Reading Calendar.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Madam President, can we now take up Resolution 3109, by Senator Stavisky, and read the title only and then recognize Senator Stavisky.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3109, by Senator Stavisky, memorializing Governor Andrew M. Cuomo to proclaim January 13, 2016, as Korean American Day in the State of New York.

THE PRESIDENT: Senator Stavisky.

SENATOR STAVISKY: Thank you, Madam President.

There's significance to the day of

January 13th, which is tomorrow, because it was in 1903, January 13, 1903, that approximately a hundred Koreans arrived on the SS Gaelic in Hawaii as the beginning of a tide of immigration to the United States. And in fact a hundred years later, Congress recognized January 13th as Korean American Day.

And this period of immigration of people from Korea coming to the United States, it peaked in the 1950s and 1960s, particularly with the easing of the immigration laws, and continues to this day.

It's interesting that when our soldiers and sailors and Marines and Air Force fought in Korea, the largest contingent from other than the United States came from the Republic of Korea. And this is a friendship that has evolved over the years and continues to this day.

The Korean community has been remarkable, whether it be in providing business opportunities for small businesses, for making life easier for people coming to the United States. We congratulate the Korean American community by recognizing January 13th as

Korean American Day in New York State, as it is in many other states and was recognized by the New York City Council.

So in recognizing the contributions of the Korean American community and the entire Asian American community, February 8th will be declared Lunar New Year Day, and the schools in New York City will be closed as a testimonial to the significance of the Korean and Chinese American communities who celebrate the Lunar New Year.

So, Madam President, on behalf of the more than 100,000 Korean Americans who live in New York City, we delight in recognizing the people who have come to the United States and in fact to New York.

Thank you.

THE PRESIDENT: Thank you, Senator.

Any other members who wish to be heard?

Senator Larkin.

SENATOR LARKIN: Thank you, Madam President.

You know, there's a book out about Korea. The president of Korea is a female. And

throughout her book, the first page on, every bit in there says without the United States of America there would be no South Korea.

Koreans that I've seen and met at various functions are proud to be Americans. They have their citizenship. Those that own businesses don't just look and say "I want to hire Koreans," they want to hire people who want to make the business prosper so that everybody, whether they're Koreans, whether they're South Africans, whether they're French or whatnot as the native language, but to be part of America.

I don't know of anybody in this room that has served in Korea. I served in Korea from July the 15th to February the 15th, when I was evacuated and went back in. But in every place that we were in that we had Koreans, no matter what their title and what their duty was, they were loyal. And they always would say "Thank you for your help, America."

Koreans are popular people. About two months ago I received some photographs of Korea, someone who'd been there on a trip, and the first photograph shows my tent when I was a

young company commander. The other photographs showed me a 24-story-high Marriott hotel.

Koreans are very proud people. But more importantly, the leadership that comes from the president of Korea down tells the ties between South Korea and us. And we have 29,000 American troops in Korea along that DMZ.

So always remember that the people who really care about America are proud to say it and put it in writing. I'm proud to be part of it, and I'd like to sign on to your resolution.

THE PRESIDENT: Thank you, Senator. And thank you for your service.

Senator Stavisky.

SENATOR STAVISKY: May I ask somebody -- I'm not sure -- if we would open it up to sponsorship by the entire Senate and those -- thank you.

SENATOR DeFRANCISCO: Yes, Senator Stavisky has notified us earlier that she would like to open this up for sponsorship by anyone who wants to. If you don't want to be on, please notify the desk.

THE PRESIDENT: We need to vote on the resolution first, and then we'll open it up

to cosponsorship.

SENATOR DeFRANCISCO: Okay, that would be a good idea.

THE PRESIDENT: I agree.

Seeing no other members wishing to be heard, 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.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Madam President, why don't we adopt the Resolution Calendar with the exception of the one already voted upon and the exception also of Senator Flanagan's resolution and with the exception of Senator Kennedy's resolution.

THE PRESIDENT: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 3109 and 3261, signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is adopted.

SENATOR DeFRANCISCO: Now, Madam President, may we take up the privileged resolution by Senators Flanagan, Klein and Stewart-Cousins, and please read it in its entirety. And first recognize Senator Flanagan, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Legislative Resolution by Senators Flanagan, Klein and Stewart-Cousins, celebrating the life and exemplary career of the Honorable Judith S. Kaye, former Chief Judge of the Court of Appeals, New York State's highest court.

"WHEREAS, It is the sense of this Legislative Body to recognize and pay tribute to those singular individuals who devote their purposeful lives and careers in service to preserving the rights and protecting the welfare of the citizens of their community and the State of New York; and

"WHEREAS, It is with feelings of

deepest regret that this Legislative Body records the passing of Judith Kaye, noting the significance of the loss of a woman whose passionate and altruistic spirit will be greatly missed; and

"WHEREAS, Judith S. Kaye, the first female Chief Judge of the New York State Court of Appeals, died on Thursday, January 7, 2016, at the age of 77; and

"WHEREAS, Born on August 4, 1938, in Monticello, New York, Judith Smith Kaye earned a bachelor's degree from Barnard College in 1958, before obtaining an LL.B. from New York University School of Law, cum laude, in 1962; one year later, she was admitted to the New York State Bar; and

"WHEREAS, Judith S. Kaye began her eminent career in private practice in New York City with the firm of Sullivan & Cromwell; she then moved to Olwine, Connelly, Chase, O'Donnell & Weyher, until her historic appointment by Governor Mario Cuomo to the New York State Court of Appeals on March 23, 1993, the position she would hold until December 31, 2008, after becoming the first woman to be appointed Chief

Judge of the State's highest court; and

"WHEREAS, A legal scholar with a keen mind whose visionary, thoughtful prose and, above all, unfaltering belief in restorative justice and fairness, throughout her 15 years as New York State's Chief Judge resulted in a period of unprecedented reform in the administration of New York's Courts; she will be remembered for writing several notable decisions on a wide variety of statutory, constitutional, and common law issues; and

"WHEREAS, Her commitment to strengthening New York's child welfare system and her steadfast belief in the importance of family preservation helped to improve the lives of countless people across the state; and

"WHEREAS, In recognition of Judith S. Kaye's outstanding intellect and impeccable work ethic, she was the recipient of the 1997 Edith I. Spivack Award from the New York County Lawyers' Association's Women's Rights Committee; and

"WHEREAS, Under Judith S. Kaye's leadership, New York State was considered a national leader in court reform efforts and in

establishing problem-solving courts; working with the Fund for the City of New York, she helped establish the Center for Court Innovation, a nonprofit think tank that, although independent of the court system, serves as the judiciary's research and development arm; and

"WHEREAS, As Chief Judge, Judith S. Kaye also served as co-chair of the Commission on the American Jury of the American Bar Association from 2004-2005; chair of the Permanent Judicial Commission on Justice for children; founding member and honorary chair of Judges and Lawyers Breast Cancer Alert (JALBCA); member of the Board of Editors, New York State Bar Journal; and trustee of the William Nelson Cromwell Foundation; and

"WHEREAS, At the age of 70, Judith S. Kaye retired, as state law requires, but this did not end her period of public service; she was appointed to the Commission on Judicial Nomination, which recommends finalists to the governor for positions on the Court of Appeals, and was elected as its chair on May 21, 2009; and

"WHEREAS, Throughout her retirement, she continued to lend her voice and vision for

social reform by advocating for a more comprehensive and holistic approach to the administration of justice in New York; and

"WHEREAS, At the time of her death, Judith S. Kaye was serving as counsel at Skadden, Arps, Slate, Meagher & Flom in New York City; and

"WHEREAS, Predeceased by her husband, Stephen Rackow Kaye, Judith S. Kaye is survived by three children and many grandchildren; and

"WHEREAS, She was truly a trailblazer for women and families; armed with a humanistic spirit and imbued with a sense of compassion, Judith S. Kaye's life was a portrait of service, a legacy which will long endure the passage of time and will remain as a comforting memory to all she served and befriended; she will be greatly missed by many; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to celebrate the life and exemplary career of the Honorable Judith S. Kaye, former Chief Judge of the Court of Appeals, New York State's highest court; and be it further

"RESOLVED, That a copy of this

resolution, suitably engrossed, be transmitted to the family of Judith S. Kaye."

THE PRESIDENT: Senator Flanagan on the resolution.

SENATOR FLANAGAN: Yes, Madam President, thank you.

You know, it's interesting, when you -- we all know a lot of people in public life, but sometimes you find out a lot more about them after their passing. What I recollect on a personal level with Judge Kaye is that she epitomized what it meant to be a lady in every sense of the word, in a very positive way, had a very distinguished career. But in reading some of her biography -- parents, Jewish immigrants from Poland, operated a women's apparel store, so she obviously came from very humble beginnings.

I don't know how you do this, but she graduated high school two years early; she graduated high school at the age of 15. And as someone who went to law school at night myself, I know the rigors of doing that, especially driving back and forth to Albany. New York University, she graduated cum laude. I didn't even know what cum laude was, because I wasn't near that part of

the list. But she obviously had a great career, and clearly a trailblazer in so many different ways.

And the fact that Mario Cuomo appointed her to the Court of Appeals is a testament to his leadership at the time. And looking at it, obviously we have a mandatory retirement age of 70, but she served on the court for 25 years. That's a very long, productive, respectful, professional tenure on the court.

I think, equally as important, she got appointed when she was 44 years old. To get appointed as a judge at any point in your career, especially at the age of 44, that's pretty young. To get to the Court of Appeals, it's even more historic. So the fact that she was a trailblazer in so many different ways, distinguished on scholarly levels, professional levels.

And it's interesting, listening to Chris talk about her life, people like Judge Kaye don't ever really retire. After she finished her term on the bench, she obviously served with distinction in many other capacities. And I think it's a testament to her as an attorney and as an individual that she was sought after in

private practice, to be on commissions, to be a representative on so many different important issues that confront the State of New York on a regular basis.

So having read more about her and having had my own interactions with her, we mourn her loss and certainly extend our best wishes and Godspeed to her family.

Thank you.

THE PRESIDENT: Thank you, Senator.

Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Madam President.

I also rise to express condolences to the family of the great Judge Kaye and to say that she was an inspiration, she was iconic, just a towering figure in government, in New York State government. And I am sure when we in March celebrate Women's History Month, we will remember the name of Judge Judith Kaye in the role of great women who have come before us.

When I was first sworn in, it was Judge Kaye that swore me in. And again, being the first woman to ever serve in her position, getting to swear me in with my family, my husband

at that -- you know, who was suffering from cancer at that time as well was there, it was the first and last swearing-in that we had. So I will keep that picture in my mind and how significant it was.

The last time I saw Judith Kaye was in her law offices, where she convened a group of us, including my colleague Senator Montgomery, to talk about something that was near and dear to her heart, talk about juvenile justice.

She talked about the way that people approached discipline in schools, talking frankly about the disparity in terms of how children of color were suspended in proportion to the general population -- things that she wouldn't necessarily have to think about or talk about or spend her retiring years doing. But she knew how important it was to lend her very credible voice to an issue that people would never, ever pay attention to if they weren't impacted.

She was a woman of great vision, as we've already stated, whether it was in terms of reforming juvenile justice issues or capital punishment issues or having courts that were specifically designated for various issues. She

understood the importance of making sure that gay couples in New York had their rights. And again, just a real hero, visionary, somebody who we can all be proud of served in that court and is a model, frankly, of what justice should look like everywhere.

So thank you.

THE PRESIDENT: Thank you, Senator.

Senator Bonacic.

SENATOR BONACIC: Thank you, Madam Speaker.

First of all, let me just also offer the condolences of myself and the members of this chamber to her family for a great loss. This was a judicial giant in New York history. She had written over 200 publications.

I'm going to try not to repeat what the two eloquent speakers said before. But before I continue to talk about Judge Kaye, I want to share a fact with you. We have had three Chief Court of Appeals Judges from Sullivan County. Three. The first one was a gentleman by the name of William Wright, who served in 1868. Then there was Judge Lawrence Cooke, who happened to be the mentor for Judge Kaye, and he served

for five years. And Judith Kaye, as Chief Judge, served for 15 years.

And all of the accolades of how she handles herself and the bench are all deserving. A leader on difficult positions on gay rights, on the death penalty. She was able to work through these complex issues and always give intelligent decisions that were visionary.

I'd like to share with you a couple of personal stories. When you chair the Judiciary, you get to rub elbows sometimes with the Court of Appeals judges and their staff. And she was always very warm. We would always talk about her Monticello roots in Sullivan County.

And by the way, in December of last year she was honored by that high school for a hall of fame on their wall, but she couldn't come because she was ill. And Lawrence Cooke's son, George Cooke, did the accolades for her in accepting that award.

But what I'd like to -- the thing that impressed me most about Judge Kaye, obviously she always had a passion. You can never reach the heights of any occupation that you do unless you have a passion for that work.

And when she left the bench in 2008, I probably saw her more in her lobbying for legislation and for juvenile delinquent courts. In court reforms, she started specialized courts -- drug addiction, mental health, domestic violence. And she was pushing hard for the last one, to deal with youthful offenders, to have a special court.

And I had an occasion to speak with her two weeks before she died. She called me and what she wanted to do was she wanted to promote the last nominee for the Chief Judge which Governor Cuomo has given us, and that's Janet DiFiore. She -- it was embellishing her qualities.

We reminisced about all her time in Monticello, and she kept saying "You're my Senator, you're my Senator." I said, "You live in New York City." She goes, "No, you're my Senator, I'm from Monticello." But I didn't realize how ill she really was.

But that passion, she kept that passion probably to her dying breath. And we are all better off for her life and her legacy.

Thank you, Madam Speaker.

THE PRESIDENT: Thank you, Senator.

Senator Savino.

SENATOR SAVINO: Thank you, Madam President.

I also rise to extend my condolences and the condolences of my conference to the family of Justice Kaye.

Like Senator Stewart-Cousins, I also have a beautiful picture I hang in my office prominently. It's a photo of Justice Kaye swearing me on the day of January 5, 2005, when I became a Senator. It's one of my proudest possessions, and I will hold it on my wall forever.

She swore in many of us, and she provided an example for many of us to follow. She was a transformative woman. We've already heard she was the first woman to be appointed to the New York State Court of Appeals, the first woman to hold the position of Chief Judge. She was also the first female ever made a partner in her law firm. She was a transformative woman. She really was a trailblazer.

She could have rested on her laurels, though, as the first. You know, she could have said, I've secured my place in

history. But she took her responsibility to the court system very, very seriously. She took over as Chief Judge in 1993 and decided that her most important responsibility was to change the way the court system operated. She wanted to make sure that the courts were really responsive to the constituency.

She took on reforming and reorganizing the criminal justice courts, creating special courts for domestic violence and drug courts and ensuring that needed services were provided in those courts. She also took on one of the courts that are very important to me, and that is the people's court, or the family court.

It was Justice Kaye that put forward the plan to reform our family courts. She pleaded with us to increase the number of family court judges in our family courts because she understood that the longer children languished in foster care or, you know, they didn't have permanence in their life, that they would be permanently affected forever. She was devoted to making sure that the family courts were responsive to children especially.

She helped Senator Ruth Hassell-Thompson marshal through, finally, no-fault divorce here in New York State. She was a part of all of those things.

She truly was a remarkable woman. Our court system is so much better for it. Our state is better for it. And every one of us I believe are better legislators, having been influenced by Justice Judith Kaye.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator.

Senator Hoylman.

SENATOR HOYLMAN: Thank you, Madam President. And I wanted to thank the leadership for this resolution.

I rise to commemorate Judge Kaye, a constituent, a classic Upper West Sider -- elegant, smart, witty, urbane. And she was no pushover.

Justice Kaye was a true trailblazer. She lit the first spark, if you recall, that became the firestorm that swept across the nation for marriage equality. That was Judge Kaye.

And she laid the groundwork for Governor Cuomo in this chamber, five years after

she dissented in the decision of Hernandez v. Robles, to pass marriage equality in New York. And it bears remembering her prophetic words in that decision, which again, she dissented from when the court ruled against marriage equality. She said that in her opinion she was confident that "future generations will look back on the court's decision as an unfortunate misstep." And I think we can all agree with that prophetic statement from her.

She also said in that decision, which I think suggests her lightheartedness as well, that "There are enough marriage licenses to go around for everyone."

So I am here to say that we'll miss Judge Kaye and we'll remember her words and her deeds and the fact that one of her clerks, Roberta Kaplan, another constituent of mine, actually became the lead lawyer in the decision of United States v. Windsor that helped ensconce marriage equality in this United States.

So thank you, Judge Kaye. We'll remember you, and we are so grateful for your service.

THE PRESIDENT: Thank you, Senator.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

I think that there's very little that I could -- left to say. But certainly I would not let the opportunity pass without adding my voice to that of members of this chamber.

For 12 years in my work here in the State Senate I have been on Crime, Crime Victims and Corrections as well as the Judiciary Committee. And in that time I have had the supreme opportunity of following a pattern and a path that was laid down by Judge Kaye.

You have heard each of my colleagues enumerate specific examples of how she made sure that justice was served. And I was so appreciative, because all we had to do was pick up any volume and take a page and know where we should be putting the legislative initiatives to bring justice to the State of New York. And whether it was in the area of domestic violence, whether it was same-sex marriage, whether it was in juvenile justice, or if it was just in justice for all, Judith Kaye was certainly, as you've heard, a landmark lady.

I had the honor not only of being sworn in by her here for several years of my reelections, but also we were honored together by an organization, Safe Harbor, that is a battered women's shelter group.

And I want to tell you that a little different from the other characteristics that people have noted her for, she also had a passion for shoes. And that particular night -- you know, one of the most conservative-appearing judges that you will ever meet, but when I looked down and saw her red shoes with their red bottoms, I was just fascinated the whole night long. It was a girl thing, I acknowledge that. But it was the human side of an extraordinary giant. And I loved that about her. And I will always remember.

And I too have two pictures in my office, one of being sworn in by her my first year in the Senate, but the other of the honor that she and I won together. And I will always feel doubly honored to have been on the same playbill with someone of her stature.

And I appreciate the leadership for bringing this opportunity for all of us to stand

before you today and talk about an extraordinary woman that has influenced our thinking, certainly in this chamber but across the State of New York.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I chaired Judiciary for several years during Judge Kaye's term, and I send my condolences to the family. She truly was a remarkable woman.

And I'm not going to repeat what everyone else said. It's been said, I think, very well already. But I want to give you one other concept about Judge Kaye.

I said repeatedly during her term on the Court of Appeals that she was the best politician in Albany. And I meant that in a very sincere sense, not tongue in cheek, because she knew how to get things done.

Her career in lobbying continued after she left the bench, but she knew how to present an issue, how to deal with people in a way, even if you disagreed when she first came in, you would clearly understand her position and the merits of that position before you left.

And to really prove it, it was my second year in the Senate and -- I think it was the second year; maybe the third. I can't remember, it was so long ago. But I voted against a Court of Appeals nominee on the floor. And thereafter -- it couldn't have been my third year. But thereafter, I was chair of Judiciary and was invited to a Bar Association dinner that the judiciary was putting on, because I was chair of Judiciary, in New York City.

And lo and behold, at the table I was sitting at, I was sitting next to this judge I voted against. And as Judge Kaye escorted me to my position, she had a real twinkle in her eye and she made sure that I got the point.

Well, I got the point, and I got all the points thereafter that she sent in my direction, whether directly or indirectly.

But she was truly a remarkable woman, and she's going to be gravely missed for all the work she's done on or off the bench.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator.

Senator Montgomery.

SENATOR MONTGOMERY: Thank you,

Madam President.

I rise to join my colleagues in offering condolences to the family of Judge Kaye. And I also am remembering what a brilliant appointment this was by former Governor Mario Cuomo, who appointed her in 1993 as Chief Judge.

I really would like to just acknowledge my personal benefit -- and it's not personal, but it's personal political benefit -- from Judge Kaye's work, as she was one of the initial founding people, judges, who helped to establish the Center for Court Innovation, which is a nonprofit think tank that is independent of the court system. However, it serves as the judiciary's research and development arm.

That particular organization has been responsible for one of the first, if not the first -- and perhaps not the first, but perhaps the second -- community courts certainly in the City of New York. And they have continued to work with communities to bring the court system into communities and provide for a system of the judiciary that serves them most effectively and efficiently.

And within that context, she has

been responsible for the expansion of a very important part of our court system in this state, and that is the youth courts. There is a community court in the community of Red Hook that I represent which has, by its presence and by the work there with the people in that community, with law enforcement, with the prosecutor's office and with any number of organizations in that district, has changed the trajectory of so many people who without that court would have been subjected to a very, very different outcome in terms of their reliance on the court system.

And I compliment her, and I appreciate her. I will never forget the role that she played. Because there is a generational change that she has left as it relates to the court system and especially as it relates to the way we treat youth in the State of New York in courts.

So I hope that while we are paying tribute to her work and we are thanking her for that, I hope that we are saying that we're committed to continuing the legacy that she has left for us, and that is that we must look at the court system and look at our roles in that system

as where do we go to improve the system so that it is even more supportive and that it works better for all of the citizens of our state.

So thank you, Madam President.

THE PRESIDENT: Thank you, Senator.

Seeing and hearing no other members wishing to be heard, 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.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Yes, Madam President, this is open for cosponsorship. And if anyone does not want to cosponsor, notify the desk. Otherwise, you'll be on the resolution.

Next we have a resolution by Senator Kennedy, Number 3261. I ask that the title only be read and request its immediate adoption, and then recognize Senator Kennedy.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Legislative

Resolution Number 3261, by Senator Kennedy, congratulating student-athlete Ali Shawish upon the occasion of being named All-Western New York Player for 2015 in Boys Soccer.

THE PRESIDENT: Senator Kennedy.

SENATOR KENNEDY: Thank you, Madam President.

I rise today to recognize an exceptional high school soccer player and a strong team leader in my district, Ali Shawish, from the Lackawanna School District Varsity Boys Soccer Team.

Ali is hard at work in classes at school today and can't be here to join us, but I feel it's important we recognize the immense skill that he possesses. We'll be recognizing him later this week, along with his team, back in the great city of Lackawanna.

Ali, in his senior year, playing for the Lackawanna Boys Soccer Team, ended his career by being named All-Western New York Player and All New York State Team for 2014 and 2015 in boys soccer, a rare and fantastic achievement. Ali was an integral part of the Lackawanna Varsity Boys Soccer Team, leading his team to three

consecutive Erie County Interscholastic Conference titles. As we all know, one title on its own is hard to accomplish, but three in a row is truly amazing.

Over the three years that he played varsity soccer for Lackawanna, Ali scored 106 career goals and many, many assists as well. But these goals included 48 goals and 16 assists in just 19 games his senior year, the top goal scorer in all of Western New York in 2015. Ali averaged 2 1/2 goals per game, a truly unbelievable feat.

Besides being named team captain in both his junior and senior years for the Lackawanna Varsity Soccer Team, Ali was also named Lackawanna MVP, All-Western New York Small School First Team, as well as All New York State. Ali's accomplishments are truly worthy of recognition by this honorable body.

I also want to mention Ali's family, including his father, Abdullah Shawish, for all of the sacrifices that they have made and support that they have provided to help Ali achieve such great accomplishments.

Congratulations to Ali. He's made

Lackawanna, Western New York, and all of this great Empire State extremely proud of him, his family, and all of his accomplishments. We're looking forward to future accomplishments from Ali as well.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator.

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.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Madam President, I have a motion, if I could.

On page 5, I offer the following amendments to Calendar Number 9, Senate Print 6378, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: With respect to the last resolution, Senator Kennedy would like to open it up for cosponsorship. If you do

not want to be a cosponsor, please notify the desk.

THE PRESIDENT: The resolution is open for cosponsorship.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Can we now take up the noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 6, by Senator Griffo, Senate Print 2722B, an act to amend the Legislative Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Squadron.

SENATOR SQUADRON: Thank you. To explain my vote, Madam President.

Thank you, Madam President. I rise today in opposition to this bill, not, I want to be clear, in opposition to this idea. In fact,

this is an idea that we currently have in the Senate Rules. It's an idea that has been pointed out we can do in the Senate Rules. In fact, we have it in Rule 3, Section 1, for the Temporary President, Rule 5, Section 3, for committee chairs.

This is a bill that has never moved in the Assembly. It is the only attempt at reform we have seen on the Senate floor in now two years, despite everything that's happened in and around Albany. And I have to tell you, to call it weak tea would be suggesting it's stronger than it is.

Let's be clear. The idea of term limits for leadership and committee chairs could certainly be part of an overall reform package both in the rules and in legislation. We don't require legislation to do it, it already happens in the Senate Rules. It's rare that we go past legislation that's already in the Senate Rules.

And it does not get at the core of the kind of problems that we've seen in Albany. Closing the LLC loophole and getting a vote on that would make a huge difference. Dealing with campaign finance and outside income and

transparency would make a huge difference.

I'm going to vote no today. I'd be happy to see this provision in the future as part of an omnibus reform package. And I urge the Majority not to stop here but to start here and actually give us some reform this year.

I vote no, Madam President.

THE PRESIDENT: Senator Squadron recorded in the negative.

Senator Hoylman.

SENATOR HOYLMAN: Thank you, Madam President.

I really think we need to get over our inferiority complex here in the Legislature. We need to do things to support our leadership. We need to have more committee meetings. We need to have a full-time Legislature. Let's devote more resources. Let's balance the power between the Executive and the Legislature rather than try to tie our hands behind our backs at every juncture.

So I'll be voting no, Madam President. Thank you.

THE PRESIDENT: Senator Hoylman to be recorded in the negative.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I vote yes on this bill.

First of all, it is in the Senate Rules now, but a law has much more substantial of an effect. You have to have it -- you have to have the bill changed in -- or the law changed subsequently if it becomes law. And you have to have the Governor sign it. Maybe the Governor wouldn't sign a repeal. This is much stronger.

And we have passed it in the past. Because the Assembly hasn't passed it as well, that means we shouldn't? That doesn't make any sense as far as I'm concerned.

We should do it. There's many instances where the Assembly decides to follow one of our bills in the future, and we should do it. And obviously the power in both legislative bodies is concentrated on leadership. I think this is an excellent reform measure and we should all support it.

And lastly, if the implication is that we should only support a package of bills, that is I think wrong. And we showed that when

the Women's Equality Agenda was held up for about three years until the Assembly finally decided on voting for each specific bill on its merits.

So this is a good bill, and I hope everyone would reconsider and vote aye.

Thank you, Madam President.

THE PRESIDENT: Senator Griffo.

SENATOR GRIFFO: Thank you, Madam President.

I would just ask that if we are sincere about our efforts to begin discussion and to look at a lot of aspects and avenues of reform, this is a beginning. And yes, we do have a rule in this house, thanks to all the members of this house, that we are trying to lead by example.

But to incorporate this as a statute is even more important, because this should apply to the entire Legislature. And we need to join voices, to recommend and request that our colleagues in the other house get serious. We've heard a lot of discussion there about new reforms under new leadership. This is a great first step.

This is an opportunity to empower

members. This is an opportunity to involve more members in leadership, to ensure that we have not only more vigorous conversations but we continue to invigorate the process.

So I think this is a good commonsense first step, and we need to not only lead by example in this house to have this rule in place, but to urge to pass this as a statute and to urge our colleagues in the Assembly to do likewise.

So I would ask everyone to reconsider and please join me in voting yes.

THE PRESIDENT: Senator Griffo will be recorded in the affirmative.

Senator Little to explain your vote.

SENATOR LITTLE: Thank you, Madam President.

I too am going to vote yes on this bill. And I truly believe that whether or not we have a good leader in existence, there is a time element where we should limit the time that they can be the leader of our whole house.

And the fact that the Assembly has not adopted this as one of their rules is more reason why we should have it as a law, so that it

affects both houses.

Plus if we went on the idea that if the Assembly was not going to adopt the bill or didn't have the same bill in their house there would be no reason for us to pass it in this house, I think we'd be giving up the reason for having two bodies of legislatures in New York State. So we would be giving up our real role in state government. We have many, many bills that pass the Senate year in, year out, until they finally are adopted by the Assembly.

So I vote aye.

THE PRESIDENT: Senator Little will be recorded in the affirmative.

Senator Savino to explain your vote.

SENATOR SAVINO: Thank you, Madam President.

I'm rising in opposition to this bill. And I just want to say this clearly to all of us here in this house. I have a firm belief that people can disagree without being disagreeable. And there are dissenting opinions on this piece of legislation. Senator Griffo, you and I have talked about it in the past.

Every two years this Legislature,

after elections and we are sworn in in that January, we get together and we adopt the rules of the house. We decide how we will organize and we decide how we will operate. A few years ago we made a choice that we were going to limit the terms for leaders and for committee chairs so that we would that kind of discussion and we didn't put too much power in the hands of one person.

Those decisions should be best left to us in the two-year term that we are elected to office. My objection to this bill is because I believe we would be binding the hands of future legislators to make a decision about how this house should be organized in their term.

We have the ability to encourage discussion, we have the ability to have robust debate, we have all of those things if we choose to allow it here in this house through the rules of the Senate and we all cooperate with that.

So I'm going to continue to vote no against this because I don't think we need legislation to teach us to behave the way we all know that we can. We can debate, we can discuss, we can organize, and we should hold it to the two

years that we are here and not bind future legislators to our own behavior.

Thank you, Madam President.

THE PRESIDENT: Senator Savino to be recorded in the negative.

Announce the result.

THE SECRETARY: In relation to Calendar Number 6, those recorded in the negative are Senators Comrie, Díaz, Dilan, Espaillat, Hamilton, Hoylman, Montgomery, Parker, Perkins, Savino and Squadron. Also Senator Rivera.

Ayes, 50. Nays, 12.

THE PRESIDENT: Senator Ranzenhofer to explain your vote.

SENATOR RANZENHOFER: Thank you, Madam President.

I rise to explain my vote today. And after listening to some of the comments, I'd just like to expound on my reasons.

I think it's a good law that we enact. And for the very reason that some have said we shouldn't do it, I think that's the reason why we should. I think that this is such an important piece of legislation that it is something that should bind future legislatures.

I don't think that this is a rule that should be up to the Legislature to be able to change from year to year. I think that the limitation of leadership, whether in the leader of the Senate or in the committee chairs, is very, very important that we make a very bold statement that this is something that should apply across the board. Whether Republicans are in power, Democrats are in power, it shouldn't change from year to year or every session to every session.

Furthermore, the argument that the Assembly hasn't passed it I don't believe is really a reason not to do it. I mean, the Assembly was not in favor of the Women's Equality Act being passed as it was in this house; eventually that came to be. The Assembly was not in favor of a tax cap; eventually a tax cap was in place. The Assembly was not in favor of full restoration of GEA; we passed that legislation, they followed suit.

So I think that by setting a very clear example to limit the terms of leaders to eight years, we set a very firm example, we put it into law and it won't be changed.

And I will be voting yes. Thank you.

THE PRESIDENT: Senator Ranzenhofer will be recorded in the affirmative.

Announce the result.

THE SECRETARY: Ayes, 50. Nays, 12.

THE PRESIDENT: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 7, by Senator Robach, Senate Print 5507, an act to amend the State Finance Law.

SENATOR SERRANO: Lay the bill aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 10, by Senator Farley, Senate Print 6379, an act to amend the Business Corporation Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as Chapter 421 of the Laws of 2015.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 15, by Senator Amedore, Senate Print 6384, an act to amend the Social Services Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the same date and in the same manner as Chapter 436 of the Laws of 2015.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 20, by Senator Felder, Senate Print 6389, an act to amend the Family Court Act.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 29, by Senator Seward, Senate Print 6398, an act to amend Chapter 412 of the Laws of 2015.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Chapter 412 of the Laws of 2015.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 33, by Senator Avella, Senate Print 6422, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the same date and in the same manner as Chapter 578 of the Laws of 2015.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

THE PRESIDENT: The bill is passed.

Mr. Floor Leader, that's the end of the noncontroversial calendar.

SENATOR DeFRANCISCO: Would you please read the controversial calendar.

THE PRESIDENT: The Secretary will read.

SENATOR DeFRANCISCO: Excuse me. Could you now announce that the bell should be rung.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 7, by Senator Robach, Senate Print 5507, an act to amend the State Finance Law.

ACTING PRESIDENT GRIFFO: Senator Krueger.

SENATOR KRUEGER: Thank you, Mr. President. If the sponsor would yield for some questions, please.

ACTING PRESIDENT GRIFFO: Senator Robach, do you yield?

SENATOR ROBACH: I absolutely would.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR KRUEGER: Thank you.

Senator Robach, there's two sections of the bill. One is an expansion of the rainy day reserve fund, and I have no disagreement with you on that.

It's the other portion of the bill, which would place a cap on spending in the state budget every year. So could you please explain to me what the benchmark measure of this cap would be?

SENATOR ROBACH: Yeah. This is really -- in the aggregate, as you know, for the last five years we've implemented this on a voluntary basis. This would be to make sound fiscal practices, what every working man, woman in New York, every big business, small business has to do now, and put that into statute to try and make sure we do that all the time.

So when you say benchmark, I'm not exactly certain what you mean. But obviously whatever the total state portion spending of the budget is, that would be capped at that rate of whatever the growth is in terms of inflation.

SENATOR KRUEGER: Through you, Mr. President, if the sponsor would continue to yield.

SENATOR ROBACH: I will.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: So in shorthand, your proposal is an inflation-based cap on state budget growth; is that correct?

SENATOR ROBACH: The annual spending cap would be defined as the average rate of inflation, Consumer Price Index, of the three calendar years immediately preceding the state fiscal year for which the cap would apply, to be specific.

SENATOR KRUEGER: Thank you.

Through you, Mr. President, if the sponsor would continue to yield.

SENATOR ROBACH: I will.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

So no other state uses an inflation-only rate to calculate the cap. Can you explain your decision why New York State

should do an inflation-only cap? And have you looked at the reasons why no other state went down that road?

SENATOR ROBACH: In all candor, I have not. I think this bill I put in many years ago, in response to my constituents and people all across the state that again felt that looking at the fact that we had increased spending for years -- 4, 5, 6 percent, when the rate of inflation was 2 percent, just to give some averages -- people wanted us or at least indicated to me frequently that they would like us to have some mechanism to control our spending exactly as they have to do in their personal lives in their homes, in their business lives, and all across the state.

And I would add that I think this is also what we have been using in a voluntary measure for the last five years, which has returned some fiscal sanity to the state and allowed us to really move in a different direction and even go so far as to see the economy improve somewhat, at least in upstate New York, and stop some of the exodus of people that we've seen, especially over the last decade

of where I live, but it would also say regardless of where you reside. Less New Yorkers is not good for any of us in the economy or anything else.

So I think that's the reason why we picked that mechanism.

SENATOR KRUEGER: Through you, Mr. President, if the sponsor would continue to yield.

SENATOR ROBACH: Certainly.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

So other states chose not to go with an inflation-only rate because of the fact that population changes can in fact dramatically change budget demands. Just as a note, as opposed to a question.

In your budget cap, would increasing capital debt by a state be exempt from this? Or would we have to, if we took on more debt, say for a hundred billion in new construction, have to decrease the cost of other services in the budget to stay within the cap?

SENATOR ROBACH: Well, I certainly

know, for example, if we get more money from the federal government, that would not impact that.

I believe we already have a statutory ceiling debt, so I'm not sure what the correlation would be. I don't think, I'm not certain, that it would affect that.

But I would say this to you. Is there another mechanism that you would support and perhaps get me to pass this bill in the other house if the capping mechanism was different to kind of control it and achieve the same thing? Because I could say to you, in all candor, I would certainly be willing to work with you or anybody else to try and make this the law of the land. I think the experiment has worked now for five years. And certainly the response from the people I represent is very good, and we're seeing it bear some results.

So if there -- I'm really sincerely not aware of what the other states that cap their budgets use. But if there is something that you think would be more beneficial and we could get agreement on, I would certainly be willing to work with you on that if you thought that was the case, Senator Krueger.

SENATOR KRUEGER: Through you, Mr. President, if the Senator would continue to yield.

SENATOR ROBACH: I will.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: I want to thank the sponsor for inviting my opinions about how to make this a better bill. And I do think I could help us make it a better bill.

I will just highlight, before my next question, a major concern with an inflation cap and a strict cap is that it puts -- it puts chains around our hands as legislators to deal with changes in reality in our state. It ties our hands. It somehow actually decreases our ability to make changes on a year-to-year basis.

There are other models for caps. The model that is used in 15 states is to benchmark the rate of growth of a budget to the growth in personal income of people in the state, as opposed to an inflation rate. The research shows that tying it to inflation rate actually leaves you in a position where you end up having to cut services, particularly health and

education services, more rapidly because of the cap, while if you adjust for income growth as your formula, you may not find yourself so limited.

But even that model I think has flaws to it. But I would encourage the sponsor to look at the personal income growth as the base for a cap as opposed to a straight inflation rate.

But to follow up with my question, Mr. President, does the sponsor have any concerns that when states have implemented caps in their own spending, what they do is decrease their local money, local revenue sharing -- "aid to localities" is the language we use in our budget -- because we limit how much money we have, hence we limit what we give our localities? And in other states that have gone down this road, that has resulted in local governments having to increase their taxes and their fees to pay for items that they no longer can draw money from the state for.

Are you concerned that that impact would be negative for our local governments?

SENATOR ROBACH: I guess I'd put it

in these terms. Again, I have to say this, because this is important. And you had said earlier that you agreed with the part of rainy day fund, which would give us more money, in the case of emergencies, that we would have to use. Because it's all the public's money. It's not our money, it's not this person's money, it's really their money that we're using.

And we're charged here, to go to your answer, every day to make decisions on what we're going to increase, what we're going to maintain, what we may say isn't working and decrease. That's what we do. That's unavoidable.

So no, I'd like to think that no matter what the parameters are, we are collectively going to make good decisions that are going to impact people all across the state both in a beneficial way and an equitable way, which always hasn't been the case.

But again in New York, which I do know about, I would make the argument that over the last five years, since we've had budgets on time, not been able to spend like kids at Christmas with no limit on our credit card, we've

made good decisions, we've prioritized our spending. We have put money into healthcare, education, some of the things you looked at. And I think we've tried to be more than reasonable with local governments in not putting any more unfunded mandates on them because it's changed the dialogue.

So I can only say to you, Senator Krueger, I really, really believe that whatever mechanism we can get in place and get a result to make this permanent and good fiscal policy, it really, really is working, it would give more money in the rainy day fund if we had an emergency.

And I wasn't going to bring this up, but since you asked, I was very disappointed here in 2009 and 2010 when we had a deficit without some of these practices in place, taxes and fees were raised $14 billion over the loud outcry of the people I represent, who felt they were taxed enough. And quite frankly, the decisions that were made of where we were going to cut to get to that number seemed to disproportionately impact the people I represent in upstate New York than they did other parts of the state.

But I would like to think that us doing this collectively and intelligently, we would be able to avoid that. And so far in the last five years, doing it on a voluntary basis without the additional 5 percent savings, we've achieved just that. And the public seems to like it and think it's fair that we are not asking them to live a certain way but we live a different way. We are talking the talk and walking the walk.

So I do favor it. I'm not afraid to move forward. And I think even people at local governments get it.

SENATOR KRUEGER: Through you, Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: I thank the sponsor for his comments. He and I do not agree on this bill, but he points out a number of things that I think actually argue against his own bill.

As he's pointed out, we have been legislatively, through the budget process, keeping ourselves within approximately a

2 percent cap for the last several years. Yes, in 2008, '09, '10, the state found itself in an enormous deficit position, as did the federal government -- as, for the record, did the world, since we were in a global world turndown of the economy at that time, heavily influenced by bad decisions within our own financial sector. People should not forget that.

But we did not have an adequate rainy day fund, which is why I continue to support the growth of a rainy day fund. Although I think it's intended for emergencies, not the ongoing operating costs of localities, which, if we were to have a cap based on inflation, would result in our having every year more and more unfunded mandates where we would say to the localities: You can't get the money from Albany, I guess you'd better figure out how to do it yourselves. That wouldn't fall into the eligibility of emergency and the rainy day fund as I understand it in our law today.

So we don't actually have the problem today, for the record. And we seem to be handling a balance of how much money comes in and goes out -- perhaps not to anyone's satisfaction,

but staying within the concept of growth.

I do think if New York State were to explore a cap, there are a variety of models that would be better. But I would argue that if you look at the record from other states who have gone down that road, many of whom had to reverse their actions once they passed spending caps, we absolutely can do this in New York State without having an official spending cap.

We can and should establish a more rigorous, comprehensive balanced budget requirement. Some people think we have a requirement for a balanced budget here in Albany. But those of us who follow it know just on one day out of 365 do we have to have a balanced budget, and then we seem to violate that agreement the other 364 days of the year.

We could move through the executive and legislative budgets to have a cash-accrual model of determining our budgets and evaluating them. We should use generally accepted accounting principles in our budget planning.

I have many years pointed out we pass bills in this house with no fiscal notes when we know there's real fiscal costs to

ourselves or the localities. Or my favorite legislative allowable trick, you pass a new program, you pass it to go into effect the last two months of a year, you define the cost as that cost which is really only one-sixth the annual ongoing costs of the program, and you move along because you passed your piece of legislation. That's not an actual telling of the story, and we get ourselves into fiscal problems because of that.

I would love to work with my colleague to require that any bills that pass this house, including budget bills, have to explicitly lay out what the annualized cost into the future is, what the annualized cost for a locality -- not just for the state budget -- is, because that would be truth in budgeting and hold our feet to the fire to be more honest of the costs that we are transferring to our county and local governments.

We could and should, as I said, enhance the state's rainy day fund, but define broadly and carefully what emergencies are. We could truly explore the role of ourselves in the budget process and the allowances we make for

monies to be moved off-budget through public authorities, debt through public authorities, where we don't ever really tell the public exactly how much debt we've taken on, who's responsible for paying it back, how we're going to pay it back.

There are many things we can do to make our budget more equitable, more transparent to the public, and to use better accounting principles when doing our budget. Those too are models that we can find from other states. I would love to work on a bill with Senator Robach to go down that road instead of this bill, which he himself points out is quite a few years old and life has changed since this bill was first introduced.

And I think if we all do a little research, we'll see states that also once upon a time explored this model, including proud red states, concluded afterwards that no, this wasn't the right answer for them. We need to go down a different path. New York needs to go down a different path.

So I appreciate the sponsor's commitment to this issue, as I know he

understands my commitment to the issue. I think there is better answers for us to come to. I urge my colleagues to vote no.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Is there any other Senator wishing to be heard? Seeing none, hearing none, debate is closed and the Secretary will ring the bell.

The Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

ACTING PRESIDENT GRIFFO: May I have some order in the chamber, please.

The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Young to explain her vote.

SENATOR YOUNG: Thank you, Mr. President, to explain my vote.

I'd like to commend Senator Robach for his commitment to responsible government, and I want to thank him on behalf of the people of New York State. Because that's what we need, we need that type of transparency, that type of

accountability.

And I am so glad that Senator Robach brought up in his remarks the past, in 2009 and 2010, when he stood shoulder to shoulder with the Senate Republican Conference, fighting against bad governmental policies that increased taxes in this state by $14 billion, and that was on the hardworking taxpayers. And it covered everything from the oppressive MTA payroll tax to taking away property owners' STAR rebate checks to imposing taxes on childcare, imposing taxes on health insurance premiums. It was totally out of control.

But also related to that was that at the same time all of this heavy taxation was going on, Mr. President, the people in power, the Senate Democrats, were also increasing spending by an irresponsible $14 billion.

And that's why we need to have this bill passed today. That is why we need to have good policy in place on behalf of the people of New York State. If we are ever going to grow jobs and opportunities for the people in this state, we need to have this kind of legislation made into law.

Thank you, Senator Robach. And I would encourage all of our colleagues to vote aye.

ACTING PRESIDENT GRIFFO: Senator Young to be recorded in the affirmative.

Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Thank you.

My explanation is very brief. We imposed a 2 percent tax cap or less, depending on inflation, on all the municipalities and school districts. And I've been asked many, many times, "Well, does the state have one? Are you willing to follow the same rules we have to follow under?" "Well, we're doing it voluntarily." "Well, why don't you let us do it voluntarily? Are we just not responsible and you are?"

I think this is just a matter of being consistent. The 2 percent tax cap on municipalities has saved billions of dollars to the taxpayer. Let's make sure we go by the same rules by passing a law that binds us -- not looks for our good faith, but binds us to do the same thing.

I vote aye.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to be recorded in the affirmative.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I explained much of my vote when I was in the debate with Senator Robach. I would simply like to point out, since everyone likes to do their own rewriting of history in this house, that under Republican rule, from 1996 to 2008 the state budget grew by nearly 100 percent, from $62 billion to $121 billion, forcing radical tax increases. And that despite the argument for spending caps, the Republicans regularly violated their own voluntary plan for a state spending cap 24 out of the last 28 years that they were in control.

So people like to rewrite history. But I have chosen to point out a little detail from that history while I vote no, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger to be recorded in the negative.

The Secretary will announce the results.

THE SECRETARY: In relation to

Calendar Number 7, those recorded in the negative are Senators Avella, Comrie, Díaz, Dilan, Espaillat, Gianaris, Hassell-Thompson, Hoylman, Krueger, Latimer, Montgomery, Panepinto, Parker, Peralta, Perkins, Persaud, Rivera, Sanders, Serrano, Squadron, Stavisky and Stewart-Cousins.

Absent from voting: Senator Hamilton.

Ayes, 39. Nays, 22.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I believe that completes the controversial reading of the calendar.

ACTING PRESIDENT GRIFFO: That does complete today's controversial reading of the calendar.

SENATOR DeFRANCISCO: And I would just like to make one announcement, that it was a good thing the Lieutenant Governor was here to share the burdens of the podium today, because Senator Griffo is getting older as we speak. Today is Senator Griffo's birthday. Happy birthday, Senator.

(Laughter; applause.)

ACTING PRESIDENT GRIFFO: I appreciate that, Senator DeFrancisco, but actually it's Saturday.

(Laughter.)

ACTING PRESIDENT GRIFFO: But thank you for recognizing me.

SENATOR DeFRANCISCO: Well, that was the information I was given.

In any event, is there any further business at the desk?

ACTING PRESIDENT GRIFFO: I would like to continue to delay aging, though. Thank you very much.

There is no further business before the desk.

SENATOR DeFRANCISCO: Senator Hannon reminded me that there's a Health Committee meeting immediately after session in Room 124.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Health Committee in Room 124, an immediate meeting of the Health Committee following session in Room 124.

Senator DeFrancisco.

SENATOR DeFRANCISCO: There being no further business, I move we adjourn until Wednesday, January 20th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Wednesday, January 20th, at 3:00 p.m., intervening days being legislative days.

The Senate stands adjourned.

(Whereupon, at 12:40 p.m., the Senate adjourned.)