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ALBANY, NEW YORK

July 22, 1997

12:28 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

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P R O C E E D I N G S

THE PRESIDENT: The Senate will
come to order.

Would you please rise and join
with me in the Pledge of Allegiance.

(The assemblage repeated the
Pledge of Allegiance to the Flag.)

May we bow our heads in a moment
of silence.

(A moment of silence was
observed.

THE PRESIDENT: The reading of
the Journal, please.

THE SECRETARY: In Senate,
Monday, July 21st. The Senate met pursuant to
adjournment. The Journal of Sunday, July 20th,
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.

1 Communications and reports from
2 state officers.

3 Motions and resolutions.

4 Senator Marcellino.

5 SENATOR MARCELLINO: Thank you,
6 Madam President.

7 Madam President, on page number
8 4, I offer the following amendments to Calendar
9 Number 758, Senate Print 4982-A, and ask that
10 said bill retain its place on the Third Reading
11 Calendar.

12 THE PRESIDENT: Amendments
13 received.

14 SENATOR MARCELLINO: Madam
15 President, on behalf of Senator Present, I wish
16 to call up his bill, Print Number 765-A,
17 recalled from the Assembly, which is now at the
18 desk.

19 THE PRESIDENT: Secretary will
20 read.

21 THE SECRETARY: By Senator
22 Present, Senate Print 765-A, an act to amend the
23 State Administrative Procedure Act.

24 SENATOR MARCELLINO: Madam
25 President, I now move to reconsider the vote by

1 which this bill was passed.

2 THE PRESIDENT: Call the roll on
3 reconsideration.

4 (The Secretary called the roll on
5 reconsideration.)

6 THE SECRETARY: Ayes 34.

7 SENATOR MARCELLINO: Madam
8 President, I now offer the following amendments.

9 THE PRESIDENT: Amendments
10 received.

11 SENATOR MARCELLINO: Madam
12 President, on behalf of Senator Lack, I wish to
13 call up his bill, Print Number 2699-B, recalled
14 from the Governor, which is now at the desk.

15 THE PRESIDENT: Secretary will
16 read.

17 THE SECRETARY: By Senator Lack,
18 Senate Print 2699-B, an act to amend the
19 Alcoholic Beverage Control Law.

20 SENATOR MARCELLINO: I now move
21 to reconsider the vote by which the bill was
22 passed.

23 THE PRESIDENT: Call the roll on
24 reconsideration, please.

25 (The Secretary called the roll on

1 reconsideration.)

2 THE SECRETARY: Ayes 34.

3 SENATOR MARCELLINO: I now offer
4 the following amendments.

5 THE PRESIDENT: Amendments
6 received.

7 SENATOR MARCELLINO: Madam
8 President, on behalf of Senator LaValle, I wish
9 to call up his bill, Print Number 3286-A,
10 recalled from the Assembly, which is now at the
11 desk.

12 THE PRESIDENT: Secretary will
13 read.

14 THE SECRETARY: By Senator
15 LaValle, Senate Print 3286-A, an act to amend
16 the Civil Rights Law.

17 SENATOR MARCELLINO: Madam
18 President, I now move to reconsider the vote by
19 which the bill was passed.

20 THE PRESIDENT: Call the roll on
21 reconsideration.

22 (The Secretary called the roll on
23 reconsideration.)

24 THE SECRETARY: Ayes 34.

25 SENATOR MARCELLINO: I now offer

1 the following amendments.

2 THE PRESIDENT: Amendments
3 received.

4 SENATOR MARCELLINO: Madam
5 President, on behalf of Senator DeFrancisco, I
6 wish to call up his bill, Print Number 4448,
7 recalled from the Assembly, which is now at the
8 desk.

9 THE PRESIDENT: Secretary will
10 read.

11 THE SECRETARY: By Senator
12 DeFrancisco, Senate Print 4448, an act in
13 relation to authorizing the county of Onondaga.

14 SENATOR MARCELLINO: Madam
15 President, I now move to reconsider the vote by
16 which this bill was passed.

17 THE PRESIDENT: Call the roll on
18 reconsideration.

19 (The Secretary called the roll on
20 reconsideration.)

21 THE SECRETARY: Ayes 35.

22 SENATOR MARCELLINO: I now offer
23 the following amendments.

24 THE PRESIDENT: Amendments
25 received.

1 SENATOR MARCELLINO: Madam
2 President, on behalf of Senator Tully, I wish to
3 call up his bill, Print Number 5582, recalled
4 from the Assembly, which is now at the desk.

5 THE PRESIDENT: Secretary will
6 read.

7 THE SECRETARY: By Senator Tully,
8 Senate Print 5582, an act to amend the Public
9 Authorities Law.

10 SENATOR MARCELLINO: Madam
11 President, I now move to reconsider the vote by
12 which this bill was passed.

13 THE PRESIDENT: Call the roll on
14 reconsideration, please.

15 (The Secretary called the roll on
16 reconsideration.)

17 THE SECRETARY: Ayes 35.

18 SENATOR MARCELLINO: I now offer
19 the following amendments.

20 THE PRESIDENT: Amendments
21 received.

22 SENATOR MARCELLINO: Madam
23 President, on behalf of Senator Johnson, I wish
24 to call up his bill, Print Number 5410-C,
25 recalled from the Assembly, which is now at the

1 desk.

2 THE PRESIDENT: Secretary will
3 read.

4 THE SECRETARY: By Senator
5 Johnson, Senate Print 5410-C, an act to amend
6 the Environmental Conservation Law.

7 SENATOR MARCELLINO: I now move
8 to reconsider the vote by which the bill was
9 passed.

10 THE PRESIDENT: Call the roll on
11 reconsideration, please.

12 (The Secretary called the roll on
13 reconsideration.)

14 THE SECRETARY: Ayes 35.

15 SENATOR MARCELLINO: Madam
16 President, I offer the following amendments.

17 THE PRESIDENT: Amendments
18 received.

19 SENATOR MARCELLINO: Madam
20 President, lastly but not least at least for
21 today, on behalf of Senator Velella, I wish to
22 call up his bill, Print Number 5452, recalled
23 from the Assembly, which is now at the desk.

24 THE PRESIDENT: Secretary will
25 read.

1 THE SECRETARY: By Senator
2 Velella, Senate Print 5452, an act to amend the
3 Insurance Law.

4 SENATOR MARCELLINO: Madam
5 President, I now wish to reconsider the vote by
6 which this bill was passed.

7 THE PRESIDENT: Call the roll on
8 reconsideration.

9 (The Secretary called the roll on
10 reconsideration.)

11 THE SECRETARY: Ayes 36.

12 SENATOR MARCELLINO: Madam
13 President, I now offer the following
14 amendments.

15 ACTING PRESIDENT MEIER:
16 Amendments received.

17 Senator Stachowski.

18 SENATOR STACHOWSKI: Mr.
19 President, on behalf of Senator Santiago, I wish
20 to call up Senate Print 5595, recalled from the
21 Assembly, which is now at the desk.

22 ACTING PRESIDENT MEIER:
23 Secretary will read.

24 THE SECRETARY: By Senator
25 Santiago, Senate Print 5595, an act to authorize

1 the Office of General Services.

2 SENATOR STACHOWSKI: Madam
3 President, I now move to reconsider the vote by
4 which this bill was passed.

5 ACTING PRESIDENT MEIER: Call the
6 roll on reconsideration.

7 (The Secretary called the roll on
8 reconsideration.)

9 THE SECRETARY: Ayes 37.

10 SENATOR STACHOWSKI: Mr.
11 President, I now offer the following
12 amendments.

13 ACTING PRESIDENT MEIER:
14 Amendments received.

15 SENATOR SKELOS: Mr. President.

16 ACTING PRESIDENT MEIER: Senator
17 Skelos.

18 SENATOR SKELOS: There will be an
19 immediate meeting of the Transportation Commit
20 tee and the Finance Committee in the Majority
21 Conference Room. These committees will meet
22 jointly to take up some nominations.

23 ACTING PRESIDENT MEIER:
24 Immediate meeting of the Finance and Transporta
25 tion Committees in the Majority Conference

1 Room.

2 Senator Skelos.

3 SENATOR SKELOS: Mr. President.

4 ACTING PRESIDENT MEIER: Senator
5 Skelos.

6 SENATOR SKELOS: If we could take
7 up Calendar Number 62 at this point.

8 THE SECRETARY: Calendar Number
9 344, by member of the Assembly Feldman, Assembly
10 Print 5700-A, an act to amend the Insurance
11 Law.

12 ACTING PRESIDENT MEIER: Read the
13 last section.

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

16 ACTING PRESIDENT MEIER: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 40.

20 ACTING PRESIDENT MEIER: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 479, by Senator Skelos, Senate Print 3208-A, an
24 act to amend the Criminal Procedure Law.

25 ACTING PRESIDENT MEIER: Read the

1 last section.

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

4 ACTING PRESIDENT MEIER: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 40.

8 ACTING PRESIDENT MEIER: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 486, by Senator Skelos, Senate Print 331-A, an
12 act to amend the Executive Law.

13 ACTING PRESIDENT MEIER: Read the
14 last section.

15 THE SECRETARY: Section 5. This
16 act shall take effect on the first day of
17 November.

18 ACTING PRESIDENT MEIER: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 40.

22 ACTING PRESIDENT MEIER: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 823, by Senator Rath, Senate Print 3802-B, an

1 act to amend the Real Property Tax Law.

2 ACTING PRESIDENT MEIER: Read the
3 last section.

4 THE SECRETARY: Section 18. This
5 act shall take effect immediately.

6 ACTING PRESIDENT MEIER: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 40.

10 ACTING PRESIDENT MEIER: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 991, by Senator Levy, Senate Print 4234-A, an
14 act to amend the Vehicle and Traffic Law.

15 ACTING PRESIDENT MEIER: Read the
16 last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect on the first day of
19 November.

20 ACTING PRESIDENT MEIER: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 41.

24 ACTING PRESIDENT MEIER: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1078, by Senator Libous, Senate Print 4473-A, an
3 act to authorize the town of Richford.

4 ACTING PRESIDENT MEIER: There's
5 a home rule message at the desk. Read the last
6 section.

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

9 ACTING PRESIDENT MEIER: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 42.

13 ACTING PRESIDENT MEIER: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1083, by Senator Seward, Senate Print 4790-A, an
17 act to amend the Real Property Tax Law.

18 ACTING PRESIDENT MEIER: Read the
19 last section.

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

22 ACTING PRESIDENT MEIER: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes 42.

1 ACTING PRESIDENT MEIER: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1168, by Senator Leibell, Senate Print 3215-B,
5 an act authorizing the town of Southeast, Putnam
6 County.

7 ACTING PRESIDENT MEIER: Home
8 rule message at the desk. Read the last
9 section.

10 THE SECRETARY: Section 6. This
11 act shall take effect immediately.

12 ACTING PRESIDENT MEIER: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 42.

16 ACTING PRESIDENT MEIER: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1398, by Senator Spano, Senate Print 2487-A, an
20 act to amend the Correction Law.

21 ACTING PRESIDENT MEIER: Read the
22 last section.

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

25 ACTING PRESIDENT MEIER: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 42.

4 ACTING PRESIDENT MEIER: The bill
5 is passed.

6 Senator Skelos, that completes
7 the non-controversial calendar.

8 SENATOR SKELOS: I believe also
9 the controversial, so we'll stand at ease
10 pending the report of Finance.

11 ACTING PRESIDENT MEIER: The
12 Senate will stand at ease pending the report of
13 Finance.

14 (The Senate stood at ease from
15 12:40 p.m. until 12:45 p.m.)

16 ACTING PRESIDENT MEIER: Senator
17 Skelos.

18 SENATOR SKELOS: Mr. President,
19 at this time would you call Calendar Number
20 1519.

21 ACTING PRESIDENT MEIER:
22 Secretary will read.

23 THE SECRETARY: Calendar Number
24 1519, by Senator Velella, Senate Print 5452-A,
25 an act to amend the Insurance Law.

1 SENATOR SKELOS: Mr. President,
2 is there a message of necessity at the desk?

3 ACTING PRESIDENT MEIER: Yes,
4 there is, Senator Skelos.

5 SENATOR SKELOS: Move to accept.

6 ACTING PRESIDENT MEIER: All in
7 favor of accepting the message of necessity
8 signify by saying aye.

9 (Response of "Aye.")

10 Opposed nay.

11 (There was no response.)

12 The messages are accepted. Read
13 the last section.

14 THE SECRETARY: Section 23. This
15 act shall take effect July 1st, 1997.

16 ACTING PRESIDENT MEIER: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 42.

20 ACTING PRESIDENT MEIER: The bill
21 is passed.

22 SENATOR SKELOS: Mr. President,
23 if you could call up Calendar Number 1493.

24 ACTING PRESIDENT MEIER:
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 1493, by Senator Johnson, Senate Print 5410-D,
3 an act to amend the Environmental Conservation
4 Law.

5 ACTING PRESIDENT MEIER: Senator
6 Skelos.

7 SENATOR SKELOS: Is there a
8 message of necessity at the desk?

9 ACTING PRESIDENT MEIER: Yes,
10 there is a message.

11 SENATOR SKELOS: Move to accept.

12 ACTING PRESIDENT MEIER: All in
13 favor of accepting the message of necessity
14 signify by saying aye.

15 (Response of "Aye.")

16 Opposed, nay.

17 (There was no response.)

18 The message is accepted. Read
19 the last section.

20 THE SECRETARY: Section 13. This
21 act shall take effect immediately.

22 ACTING PRESIDENT MEIER: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes 43.

1 ACTING PRESIDENT MEIER: The bill
2 is passed.

3 SENATOR SKELOS: Mr. President,
4 if we might stand at ease.

5 ACTING PRESIDENT MEIER: Senate
6 will stand at ease.

7 (The Senate stood at ease from
8 12:47 p.m. until 1:48 p.m.)

9 ACTING PRESIDENT MEIER: Senator
10 Skelos.

11 SENATOR SKELOS: If we can return
12 to motions and resolutions, I move at this time
13 that we adopt the Resolution Calendar in its
14 entirety.

15 ACTING PRESIDENT MEIER: All
16 those in favor of adopting the Resolution
17 Calendar in its entirety say aye.

18 (Response of "Aye.")

19 Opposed?

20 (There was no response.)

21 The Resolution Calendar is
22 adopted.

23 SENATOR SKELOS: Mr. President,
24 if we have could return to reports of standing
25 committees, I believe there's a report of the

1 Finance Committee at the desk. I ask it be read
2 at this time.

3 ACTING PRESIDENT MEIER: Reports
4 of standing committees. The Secretary will
5 read.

6 THE SECRETARY: Senator Stafford,
7 from the Committee on Finance, offers up the
8 following bill:

9 Senate Print 5720, by the
10 Committee on Rules, an act making appropriations
11 for the support of government.

12 ACTING PRESIDENT MEIER: Without
13 objection, to Third Reading Calendar.

14 Senator Skelos.

15 SENATOR SKELOS: Mr. President,
16 do we need a substitution to be made at this
17 time? No? Mr. President, on Senate bill 5720,
18 is there a message of necessity and
19 appropriation at the desk?

20 ACTING PRESIDENT MEIER: There is
21 a message of necessity and appropriation at the
22 desk.

23 SENATOR SKELOS: Move to accept.

24 ACTING PRESIDENT MEIER: All
25 those in favor of accepting the message of

1 necessity and appropriation say aye.

2 (Response of "Aye.")

3 Opposed?

4 (There was no response.)

5 The message is accepted.

6 Read the last section.

7 SENATOR LEICHTER: Mr.

8 President.

9 ACTING PRESIDENT MEIER: I'm
10 sorry. Senator Leichter.

11 SENATOR LEICHTER: Yes. This is
12 the budget extender, Mr. President?

13 ACTING PRESIDENT MEIER: One
14 moment, Senator Leichter. We have to read the
15 bill first to get the bill before the house and
16 then I'll recognize you.

17 Secretary will read.

18 THE SECRETARY: Calendar Number
19 1536, by the Committee on Rules, Senate Print
20 5720, an act making appropriations for the
21 support of government.

22 ACTING PRESIDENT MEIER: Now,
23 Senator Leichter.

24 SENATOR LEICHTER: Mr. President,
25 I believe I have an amendment at the desk.

1 ACTING PRESIDENT MEIER: It just
2 arrived this second, Senator.

3 SENATOR LEICHTER: O.K. Thank
4 you.

5 ACTING PRESIDENT MEIER: Senator
6 Leichter, on the amendments.

7 SENATOR LEICHTER: Yes. Thank
8 you very much, Mr. President.

9 This is a very simple amendment.
10 It's so short, so simple, so direct to the point
11 that I'm going to read every word of it, Mr.
12 President.

13 "The expenditure of any public
14 funds on advertisements which feature the names
15 or likeness of the Governor, Lieutenant
16 Governor, Comptroller or Attorney General is
17 prohibited."

18 Mr. President, my colleagues, the
19 reason for this amendment is very obvious. We
20 have seen more and more public officials -
21 statewide officials -- using public funds to put
22 their likeness on television in what are
23 ostensibly public service ads that really whose
24 purpose is to feature these officials.

25 Now, over the years at various

1 times, members of this body, some of whom I'm
2 sure will remember, I remember Senator Bruno
3 urging an amendment like this some years ago
4 when there was a governor of a different party
5 who was trying to put his likeness on television
6 and making these public service announcements,
7 and let me say I agreed with Senator Bruno.

8 ACTING PRESIDENT MEIER: Senator
9 Skelos.

10 SENATOR SKELOS: Mr. President,
11 is this bill adding language to the
12 appropriation bill?

13 SENATOR LEICHTER: Is this -- no,
14 Mr. President. What it's -- what it's doing is
15 clarifying how the monies in this bill are to be
16 spent.

17 SENATOR SKELOS: I would ask that
18 the Chair rule that the amendment be out of
19 order based upon the banking decision that you
20 cannot add language to an appropriation bill.

21 ACTING PRESIDENT MEIER: Senator
22 Skelos, it is the ruling of the Chair then that
23 the amendment is out of order on the grounds
24 that it adds language to an appropriations
25 bill.

1 SENATOR LEICHTER: Mr. President,
2 if I -

3 ACTING PRESIDENT MEIER: Senator
4 Leichter.

5 SENATOR LEICHTER: Mr. President,
6 first, are you changing your ruling because
7 initially you ruled that the amendment was in
8 order?

9 SENATOR SKELOS: Mr. President,
10 if I could correct Senator Leichter's hearing,
11 there was no -- the issue of germaneness was not
12 raised at any point. I raised a point of order
13 after he started explaining his amendment and
14 you've ruled it out of order, so I believe now,
15 if we could continue with the bill, debate on
16 the bill, or move to pass the bill.

17 SENATOR LEICHTER: Well, Mr.
18 President, I think before we get to a vote on
19 the bill, I think I have a -- I'm entitled to be
20 heard on your ruling, and I intend to challenge
21 your ruling, Mr. President, and I'd like to be
22 heard on that issue.

23 It seems to me that what -

24 SENATOR SKELOS: Mr. -- Senator
25 Leichter, just as a point of order, are you

1 appealing the ruling of the Chair?

2 SENATOR LEICHTER: Yes.

3 Mr. President, I believe that the
4 ruling that Senator Skelos referred to had to do
5 with the regular budget. Here we have a special
6 appropriation bill, an emergency appropriation
7 bill which I think is dealt differently. I
8 think it's perfectly appropriate in this sort of
9 a measure to specify and clarify how the
10 appropriations are to be spent. So I believe
11 that to apply a ruling that dealt with the
12 general budget and to make it applicable to
13 emergency appropriations, I think, is incorrect
14 and, Mr. President, it seems to me that in the
15 absence of clear language in a court decision or
16 in statute which would bar this amendment, this
17 amendment having been ruled germane, I find no
18 reason or no basis for now suddenly declaring
19 that it's no longer germane.

20 I don't know whether it was -
21 maybe I made the mistake of mentioning Senator
22 Bruno. If I hadn't mentioned that maybe
23 everything would have been fine, and we could
24 have gone ahead and we probably would have
25 disposed of the matter by now. If that was the

1 problem, I'll withdraw the mention of Senator
2 Bruno, but to base it on that this requires a
3 separate bill, I think is incorrect.

4 I think what we're doing is
5 specifying how the money that we're appropriat
6 ing is to be spent or not to be spent. I think
7 that's perfectly proper. I think it is
8 important. I think it's necessary for this
9 Legislature to say whether it's to the Governor
10 who's been doing it or whether it's to the
11 Comptroller who has not been doing it, to say
12 you can't use public monies to campaign.

13 You want to have public
14 financing, I'll support it, but do it openly.
15 Don't do it in a subversive manner, and that's
16 the intent and purpose of this amendment. I
17 think it is germane. I don't think it's barred
18 by the ruling that Senator Skelos referred to
19 and, Mr. President, I appeal your ruling.

20 SENATOR SKELOS: Mr. President.

21 ACTING PRESIDENT MEIER: Senator
22 Skelos.

23 SENATOR SKELOS: Yeah, just again
24 to clarify, Senator Leichter, I didn't raise the
25 question of germaneness, just it was out of

1 order, so at this point a "no" vote would uphold
2 the ruling of the Chair; a "yes" vote would not
3 uphold the ruling of the Chair.

4 ACTING PRESIDENT MEIER: That's
5 correct.

6 The question before the Senate is
7 shall the decision of the Chair be sustained?
8 All those in favor of overriding the Chair
9 signify by saying aye.

10 (There was no response.)

11 The vote is to -- let me
12 clarify. The vote is on the appeal of the
13 ruling of the Chair. All those in favor of
14 overruling the Chair vote aye. All those in
15 favor of sustaining the ruling of the Chair vote
16 nay.

17 The vote on the resolution, all
18 in favor of the -- the vote is on the appeal of
19 the Chair. All those in favor of the appeal
20 vote aye.

21 SENATOR PATERSON: Mr.
22 President.

23 ACTING PRESIDENT MEIER: Senator
24 Paterson.

25 SENATOR PATERSON: I would like a

1 party vote in the affirmative, whatever.

2 ACTING PRESIDENT MEIER: Party
3 vote in the affirmative.

4 SENATOR SKELOS: Party vote in
5 the negative.

6 ACTING PRESIDENT MEIER:
7 Secretary will call the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 20, nays 31,
10 party vote.

11 ACTING PRESIDENT MEIER:
12 Secretary will read the last section.

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

15 ACTING PRESIDENT MEIER: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 48.

19 SENATOR HOFFMANN: Explain my
20 vote, please.

21 ACTING PRESIDENT MEIER: Senator
22 Hoffmann to explain her vote.

23 SENATOR HOFFMANN: Thank you, Mr.
24 President.

25 We were -- we were caught a

1 little bit by surprise, I think, by the ruling
2 on the amendment, but I -- I would like to
3 underscore that I have great sympathy for my
4 colleague, Senator Leichter, not as much on the
5 merits of the issue that he brought up today but
6 on the frustration which I'm sure he feels and I
7 feel and I know that my constituents feel that
8 we are reduced in this chamber to utilizing tiny
9 parliamentary opportunity to register
10 significant viewpoints on matters of great
11 urgency in this state.

12 It troubles me that there is no
13 opportunity in an organized committee process
14 for issues such as the one Senator Leichter
15 wanted to bring forth as an amendment to be
16 discussed, but even greater a frustration to me
17 is the fact that I am once again in Albany
18 having left the 48th Senate District, here in
19 the third week of July to vote on another budget
20 extender, putting this state on auto-pilot
21 without having the opportunity for meaningful
22 input into the budget process as I am duly
23 elected.

24 I would like the record to
25 reflect that it is only under duress that I will

1 vote for this extender. I do not continue to
2 vote indefinitely for budget extenders, nor do
3 the people who send me here to work for them
4 want me to vote for budget extenders. They
5 expect me to vote for a budget.

6 ACTING PRESIDENT MEIER: Senator
7 Hoffmann in the affirmative.

8 Senator Dollinger?

9 SENATOR DOLLINGER: Just to
10 record in the negative, Mr. President.

11 ACTING PRESIDENT MEIER:
12 Secretary will read the results.

13 THE SECRETARY: Ayes 50, nays
14 one, Senator Dollinger recorded in the
15 negative.

16 ACTING PRESIDENT MEIER: The bill
17 is passed.

18 Senator Skelos.

19 SENATOR SKELOS: Mr. President,
20 if we could, I believe there are some
21 nominations to be confirmed at the desk. If we
22 could continue with the reading of the Finance
23 Committee report.

24 ACTING PRESIDENT MEIER:
25 Secretary will read.

1 THE SECRETARY: Senator Stafford,
2 from the Committee on Finance, offers up the
3 following nominations:

4 As Commissioner of Transportation
5 Joseph H. Boardman, of Rome.

6 ACTING PRESIDENT MEIER: Senator
7 Stafford.

8 SENATOR STAFFORD: Excuse me.
9 Yes, Mr. President. Once again I stand up and
10 as a compliment to the Governor and his people,
11 we again today had three very fine individuals
12 appear before the Finance Committee and every
13 one acquitted themselves exceptionally well.

14 Mr. Boardman, who I believe his
15 name is before us at the present time and I
16 believe you'll be coming down to take your seat
17 possibly -- no, excuse me. Senator Libous is -
18 I'm going to yield to Senator Libous or, excuse
19 me, Senator Hoffmann has one too. I'm sorry.
20 But anyway I have to share with you, and this is
21 an example of our system working.

22 We had a gentleman appear, Mr.
23 Boardman, and it was acknowledged that there
24 were some serious issues. He's going to be
25 leading a very -- when we confirm him, he's

1 going to be leading a very complex department.
2 He has a very difficult job to do, but I was
3 impressed with the statement to the committee,
4 his convictions, and again I think we're very
5 very fortunate to be having Joseph Boardman as
6 Commissioner of Transportation, and with that I
7 will yield to the Senator from Broome.

8 ACTING PRESIDENT MEIER: Senator
9 Libous.

10 SENATOR LIBOUS: Thank you, Mr.
11 President, and thank you, Senator Stafford.

12 It's indeed an honor for me to
13 rise and help to second the nomination of Joe
14 Boardman.

15 Joe Boardman, I can honestly say,
16 is a true friend. I've gotten to know Joe over
17 the last 15 years, and we've worked side by side
18 on issues both governmentally and politically,
19 and I have to tell you one thing: When you work
20 with Joe Boardman, you always get the ball on
21 the goal line. You never fall short, and I want
22 to commend Governor Pataki. He has made a
23 number of excellent appointments over the past
24 few years, but I would consider Joe Boardman a
25 great appointment, and I know that he'll do a

1 great, great job.

2 You know, if you talk to people
3 who have worked with Joe Boardman, you'll hear
4 that he is words like "professional", "tough",
5 "fair", "honest", "sincere", "compassionate".
6 I think both the Transportation Committee and
7 the Senate Finance Committee saw that today when
8 Joe Boardman answered questions to them, and
9 many of the questions are very personal because
10 you know, when it comes to the Department of
11 Transportation, many of the things that affect
12 us as legislators are those personal issues when
13 we need to help open a road or help along with
14 construction that may be blocking off a
15 business, and Joe Boardman answered every one of
16 those questions.

17 Just to take another second, Mr.
18 President, I just want to tell you a little bit
19 about Joe. He may be from Rome and he may be
20 from Oneida County, but he was adopted by Broome
21 County for a number of years, and he is our
22 adopted son, and I want to tell you, as the
23 Commissioner of Transportation for Broome
24 County, Joe Boardman made transportation a human
25 service rather than a physical service. He

1 began a public service for people with
2 disabilities and people who lived in rural areas
3 and that's where that compassion comes in.

4 He also worked to control
5 Medicaid transportation costs by helping people
6 find alternatives other than taking a taxicab
7 ride to medical services. These are the kinds
8 of programs he implemented in our county, and
9 the kind of leadership he will show in the
10 state.

11 And just on another tack to tell
12 you a little bit about Joe Boardman, the county
13 executive that he have worked for, Carl Young,
14 who I know would also, if he had the opportunity
15 would say good things about Joe today, I could
16 see Joe convinced the county executive that the
17 right thing to do was to take donuts and coffee
18 out to the garage to the employees and to the
19 bus drivers and wish them a little bit of
20 holiday cheer, and again that's the kind of
21 person that Joe Boardman, that Joe Boardman is.

22 I'll just end by saying this. I
23 am pleased with the Governor's appointment and,
24 Joe, success and Godspeed to you and your family
25 and I see that your family is with you today

1 but, Joe, there are times that I'm back in
2 Broome County, and I'll be walking in front of
3 the government office building, as you know the
4 buses pull up in front and they go in and out
5 and a bus driver will stop in the middle of the
6 street, open the door and he'll say, Senator,
7 how is Joe doing, so they haven't forgotten
8 you. I wish you the very best.

9 ACTING PRESIDENT MEIER: Senator
10 Lachman.

11 SENATOR LACHMAN: Yeah. I rise
12 as the ranking member of the Transportation
13 Committee to also speak in relationship to the
14 new -- hope soon to be new Transportation
15 Commissioner of the state of New York.

16 I have to commend the Governor.
17 I did not have the pleasure, as Senator Libous
18 had, of meeting Mr. Boardman before today, but I
19 must tell you, I am quite impressed. I'm
20 impressed with his intellect. I'm impressed
21 with his experience in both the public and
22 private sector. I'm impressed with his
23 integrity, and I'm impressed with his
24 willingness to meet with constituencies
25 throughout the state of New York.

1 As I mentioned to him earlier in
2 the day before the joint meeting of
3 Transportation and Finance, there are certain
4 issues that I feel must be handled immediately.
5 As New York City newspapers recently brought to
6 our attention, there are projects that are being
7 currently mismanaged by the contractors that the
8 state has hired. With cost overruns and delays,
9 these projects have become a nightmare to the
10 motorists of the state, especially in New York
11 City, and they're an embarrassment to the state
12 of New York, and New Yorkers should not be
13 forced to pay more for shoddy work and traffic
14 tie-ups.

15 I only raise this issue now
16 because I know this is the concern of Mr.
17 Boardman as well as members of this chamber. I
18 am confident that Mr. Boardman is up to the task
19 that faces him. He comes to us with a broad and
20 diverse background in transportation in both the
21 public and private sector, and I would like to
22 echo the sentiments and remarks of the chairman
23 of the Finance Committee and Senator Libous in
24 seconding his nomination, and look forward to a
25 strong working relationship with him as he will

1 have with every member of this chamber.

2 Thank you, Mr. President.

3 ACTING PRESIDENT MEIER: Senator
4 Skelos.

5 SENATOR SKELOS: There will be an
6 immediate meeting of the Rules Committee in the
7 Majority Conference Room.

8 ACTING PRESIDENT MEIER:
9 Immediate meeting of the Rules Committee in the
10 Majority Conference Room.

11 Senator Breslin.

12 SENATOR BRESLIN: Mr. President,
13 I rise as Joe Boardman is a former client of
14 mine, a friend of mine, but more importantly he
15 is, as Senator Libous said, a very bright,
16 professional, dedicated public servant who
17 really will bring to the Department of
18 Transportation great credit, to our Governor,
19 and do an outstanding job and I'd like to
20 commend the appointment of Joe and wish him
21 every success to both he and his family.

22 Thank you, Mr. President.

23 ACTING PRESIDENT MEIER: Senator
24 Spano.

25 SENATOR SPANO: Mr. President, it

1 is my pleasure to speak to my colleagues in
2 recognizing the fine appointment of Joe Boardman
3 and say that, as Senator Libous expressed, he
4 certainly picked the best for a long time and in
5 the short time I've been privileged to work with
6 him in his new capacity in the Department of
7 Transportation, he has shown that he's a hands
8 on type of person. By that, he's taking a big
9 time bureaucracy we call the Department of
10 Transportation and making sure that it becomes a
11 user-friendly agency and, to do that, he brings
12 a personal attention to the transportation needs
13 of the people we represent across the state of
14 New York.

15 There is nobody better qualified
16 than Joe Boardman to be placed in that position
17 of responsibility, and I commend the Governor
18 and congratulate Joe and his family on this
19 appointment today.

20 Thank you.

21 ACTING PRESIDENT MEIER: Senator
22 Larkin.

23 SENATOR LARKIN: Thank you, Mr.
24 President, my colleagues. I rise in seconding
25 the nomination to be the lead Commissioner of

1 Transportation. Since Mr. Boardman became the
2 Acting Commissioner, he extended himself in all
3 ways. I have talked to many county officials,
4 town officials, villages and cities, and they
5 have told me that when they've gone forward to
6 his office that he extended himself back in
7 communicating with them directly.

8 A number of problems we've had in
9 the Hudson Valley that he's immersed himself
10 with and made sure that his personal feelings
11 and that of the second floor were included in
12 the needs of Orange County, Sullivan County,
13 Ulster County, Dutchess, and my good friend from
14 Rockland, and I think that Joe has just showed
15 us that he's a hands-on person, wants to do the
16 job, wants to be cooperative.

17 That's what we need for a
18 department the size of the Department of
19 Transportation and, Joe, you're to be commended
20 for taking the job, but God only knows why you
21 want it.

22 God bless you and your family.

23 ACTING PRESIDENT MEIER: Senator
24 Farley.

25 SENATOR FARLEY: Thank you, Mr.

1 President.

2 I rise to second the nomination
3 of Joe Boardman. You know, this is a people
4 oriented person as Tom Libous was saying, and
5 somebody, you look at him, he's sitting in the
6 third row there instead of up front with his
7 family.

8 Joe, let me just say that as
9 somebody here, everybody in this chamber and
10 everybody that is elected has an awful lot to
11 request of, and business with the Department of
12 Transportation. You have been responsive;
13 you've been responsive in my district, you know,
14 but I think the highest compliment that I could
15 give you and the reason that I'm so confident of
16 the job that you're doing and the job that
17 you've done is our former commissioner, Senator/
18 Commissioner John Daly speaks so highly of you
19 and recommends you most highly, and with that, I
20 certainly am most confident that you're going to
21 be an outstanding commissioner as you have been
22 as an acting commissioner.

23 Again, you've served the people
24 of this state, you serve the people that appoint
25 you and the Governor is to be congratulated and

1 we're very, very proud of this appointment.

2 Best wishes.

3 ACTING PRESIDENT MEIER: Senator
4 Hoffmann.

5 SENATOR HOFFMANN: Thank you, Mr.
6 President.

7 It gives me great pleasure to
8 rise in support of the nomination of Joseph H.
9 Boardman to the position of Commissioner of
10 Transportation, and he has clearly demonstrated
11 an understanding of the transportation needs all
12 across the state.

13 I think all of us who sat in
14 Finance this morning were impressed, and greatly
15 comforted by the fact that he could speak as
16 comfortably to the questions raised by
17 colleagues from western New York, the Southern
18 Tier as he could to those from New York City and
19 Long Island.

20 The fact that he comes from a
21 smaller city in our state, the city of Rome,
22 where he has also had experience in
23 transportation, the fact that he has had
24 experience in transportation in Elmira and knows
25 that part of the state, I think bodes very well

1 for us in the future.

2 Part of our success in the area
3 of tourism depends upon our ability to allow
4 tourists to move freely across this state.
5 Obviously our need to maintain a good highway
6 infrastructure, highway system for commerce and
7 transportation in general, is evident. We need
8 the very finest capability. We need somebody
9 who knows how to rise above politics, who can
10 bring together the disparate forces of
11 contractors, employees, local elected officials
12 and businesses, and I believe in Mr. Boardman we
13 have that individual.

14 Earlier today, my staff made a
15 couple of calls to Rome looking for appropriate
16 reaction so that I could further help my
17 colleagues understand why Mr. Boardman is so
18 well respected in that city where he resides and
19 I think probably one of the finest comments came
20 from a gentleman who now works on a part-time
21 basis in my office.

22 Many years ago, this individual,
23 Quint Barry, ran for mayor in the city of Rome
24 and when asked about Joe Boardman, Quint's
25 comments were immediate and very warm. He said,

1 "Oh, yes. He managed the campaign for the
2 mayor the year that I ran against him. I really
3 like him."

4 I'm very happy to support Mr.
5 Boardman. Anybody who can elicit that kind of
6 response is going to be up to doing the
7 difficult job of Commissioner of
8 Transportation.

9 ACTING PRESIDENT MEIER: Senator
10 Seward.

11 SENATOR SEWARD: Thank you, Mr.
12 President.

13 It's all been said very very well
14 by my colleagues and, Joe, I don't want to
15 postpone your actual confirmation any longer
16 than necessary by repeating the many fine things
17 that have been said about you, but I would be
18 remiss if I did not stand to second the
19 confirmation of Joe Boardman to be our next
20 Commissioner of Transportation.

21 Let's face it, a good sound
22 transportation system is vital to our economic
23 future here in New York. A Joe Boardman at the
24 helm of the Department of Transportation will
25 help us greatly in maintaining and enhancing our

1 transportation system in this state and thus
2 helping us in our efforts to improve the
3 economic vitality of New York State.

4 But Joe Boardman also realizes
5 that a transportation system is more than
6 pavement and concrete and tangible things of
7 that sort, that there are real people behind all
8 of that, that we're trying to serve. He's a
9 people person, as has been pointed out by my
10 colleagues. He realizes full well that we are
11 in office to serve the people of this state and
12 I know that in his new capacity as actually
13 being Commissioner out at DOT, that the people
14 of this state will be very very well served.

15 So with that thought in mind, I'm
16 delighted to stand to congratulate, number one,
17 the Governor for this outstanding nomination, to
18 congratulate Joe and your family on this very
19 happy day. It's a good day for the Boardman
20 family, but it's also a good day for the people
21 of this state.

22 ACTING PRESIDENT MEIER: Does any
23 other Senator wish to be heard on the
24 nomination?

25 The question is on the

1 confirmation of Joseph Boardman as Commissioner
2 of Transportation for the state of New York.

3 All in favor signify by saying aye.

4 (Response of "Aye.")

5 Opposed?

6 (There was no response.)

7 Joseph Boardman is hereby
8 confirmed as Commissioner of Transportation.

9 Commissioner Boardman -- (Applause) -

10 Commissioner Boardman is in the gallery today.

11 He is with his wife Joann, his son Joe, Jr., his
12 daughter Emily, his son Philip, his father
13 Alfred B. Boardman, his sister-in-law, Catherine
14 Griffith.

15 And, Joe, as your friend for 20
16 years and as someone who started in local
17 government with you 20 years ago, I had a choice
18 to be down there to talk about you or to preside
19 over your confirmation. I hope you think I made
20 the right decision. Joe, God bless. I think
21 the people of the state of New York are very
22 fortunate. Good luck.

23 Secretary will read.

24 THE SECRETARY: As Welfare
25 Inspector General, Paul Balukas, of Brooklyn.

1 SENATOR SKELOS: Move the
2 nomination, please.

3 ACTING PRESIDENT MEIER: Senator
4 Holland.

5 SENATOR HOLLAND: I would like to
6 say a few words about Paul, let you have a
7 little background about him.

8 He's worked in the office of
9 Welfare Inspector General of New York City since
10 1995 as counsel to the Welfare Inspector
11 General. He organized the first statewide
12 prosecution bureau for welfare fraud serving as
13 the chief attorney. He has extensive
14 prosecution experience, having served for five
15 years in the Kings County District Attorney's
16 Office, prosecuting and supervising cases of
17 criminal conduct by law enforcement officers,
18 and he has experience in the legislative process
19 having worked in the office of New York State
20 Counsel to the Minority Leader for two years.

21 He is a graduate of the Brooklyn
22 Law School.

23 I have worked with Paul and he
24 has the interest and the ability and the
25 enthusiasm to improve this office. We created

1 this office a number of years ago to bring
2 honesty and trust back to the welfare system.

3 Let me give you just a few of the cases that
4 Paul has been involved with. I think they're
5 kind of interesting, and they're just a few.

6 Two New York City HOA employees
7 for bribery. They kept recipient cases open
8 when they should have been closed and collected
9 the money. An individual who assumed five
10 identities to collect welfare benefits. He
11 appears at the fair hearing process, which I
12 hear is relatively easy. He appears at the
13 finger imaging process. I'd like to know how he
14 did that, Paul. We set that up, and the
15 application process. Two women were collecting
16 public assistance benefits in New York and North
17 Carolina while both had jobs. One worked for
18 the New York City Board of Education; and an
19 individual who was vice-president of a roofing
20 company -- interesting case -- earning \$90,000 a
21 year while he lived with a companion, he forced
22 his wife and children, two children, to live on
23 public assistance; and I think this is just the
24 tip of the iceberg. I think there's many, many
25 more things that you have the interest and the

1 knowledge to follow up on, and if I recall the
2 figures correctly, last year you recovered -
3 your office recovered about \$2 million of fraud
4 for about a \$600,000 investment and you're
5 expanding the office statewide.

6 Paul, I wish you a lot of good
7 luck. You have a lot of work to do.
8 Congratulations to you.

9 ACTING PRESIDENT MEIER: Senator
10 Gentile.

11 SENATOR GENTILE: Thank you, Mr.
12 President.

13 I rise also in support of the
14 nomination of Paul Balukas for Welfare Inspector
15 General. You've heard Paul's qualifications
16 done aptly by Senator Holland. I rise to speak
17 about Paul as not only a native of Bay Ridge,
18 Brooklyn, but also as a friend and now a
19 constituent of mine in Brooklyn.

20 Paul, I know, is someone who is
21 dedicated to whatever goal is put before him. I
22 first met Paul Balukas back in the late 1970s
23 and the illustration of the event that I worked
24 with him on demonstrates the type of person Paul
25 is.

1 I joined with Paul Balukas and -
2 joined forces with him to push forward an idea
3 that others thought was a crazy idea, and that
4 was the construction of an \$11 million swimming
5 facility at a public high school in Brooklyn,
6 New York. There had not been such a facility
7 built in the city of New York since the second
8 World War, and we in the late 1970s decided that
9 we were going to give it a shot in Brooklyn, New
10 York, and Paul at that time was working for the
11 local City Councilman and, you know, our
12 opponents told us we'd never get it done. You
13 can't fight City Hall. You can't put an \$11
14 million swimming pool into the budget to help
15 the people of South Brooklyn.

16 Well, people told us that but,
17 instead, Paul worked with us. Paul worked with
18 us and he shepherded the initial appropriation
19 through the New York City Council. He supported
20 those ideas, and I suppose to make a 15-year
21 struggle, a 15-year story fairly short, I have
22 to tell you that that swimming facility today is
23 built and operating at Fort Hamilton High School
24 in Brooklyn, and it's become the best capital
25 project in that part of Brooklyn in years, and

1 Paul Balukas -- without Paul Balukas' help at
2 the very initial stages of that fight and that
3 struggle, that swimming facility would not be
4 built today.

5 Since then, Paul Balukas and I
6 have become fast friends, so much so that Paul
7 once tried to recruit me for the Bay Ridge Young
8 Republicans, and now when I mention that to
9 Senator Gold, I think his heart skips a beat,
10 but needless to say that one effort that Paul
11 was not successful in but he tried hard, he
12 tried hard to get me into membership in the
13 Young Republicans.

14 That fact notwithstanding, Paul
15 and I remain fast friends today. Our careers
16 somewhat coincided as we both served as
17 prosecutors in New York City for several years
18 and he continues today, as I say, as one of my
19 constituents and with his family he remains a
20 prominent and active member in the Bay Ridge
21 community in Brooklyn.

22 You know, I'm one of Brooklyn's
23 newest elected state Senators. I always look
24 for ways to put partisanship aside and act in
25 the best interests of New Yorkers. This is one

1 opportunity that I am happy to be here to act in
2 that way in a bipartisan way. Partisanship
3 appears and is pushed aside and is replaced by
4 pride, pride for Paul and his family, pride
5 knowing the job he'll do as the Welfare
6 Inspector General, and pride in calling Paul my
7 friend.

8 Paul, you will make the state
9 proud. You will make me proud, and you will
10 make your family proud. I urge everyone to
11 support this nomination.

12 Thank you, Mr. President.

13 ACTING PRESIDENT MEIER: Does any
14 other Senator wish to be heard on the
15 nomination?

16 The question is on the
17 confirmation of Paul Balukas as Welfare
18 Inspector General. All in favor signify by
19 saying aye.

20 (Response of "Aye.")

21 Opposed nay.

22 (There was no response.)

23 Paul Balukas is hereby confirmed
24 as Welfare Inspector General of the state of New
25 York.

1 (Applause)

2 Mr. Balukas is in the gallery.

3 He is accompanied by his father and mother,
4 Albert and Peggy Balukas, and by his niece Kayla
5 Pfister, and also by his niece, Darla Balukas.
6 Welcome, and we're glad you could join us here
7 today. Mr. Balukas, we wish you well and
8 Godspeed in your very important duties.

9 Secretary will read.

10 THE SECRETARY: As Alternate Non
11 Voting Member of the Metropolitan Transportation
12 Authority, Thomas J. Cassano, of Staten Island.

13 SENATOR SKELOS: Move the
14 nomination.

15 ACTING PRESIDENT MEIER: Senator
16 Marchi.

17 SENATOR MARCHI: Mr. President,
18 it's a pleasure to move this nomination as well
19 or be one of the movers. He is a shining light
20 and in view of the excellent experience he's had
21 both educationally which went into every aspect
22 of transportation that is sensitive, various
23 components, and he's held in great esteem by the
24 membership.

25 He's also had a hands-on

1 experience in various levels of management, so
2 there are a few people I think that can match
3 what he offers to the services of the
4 Metropolitan Transportation Authority. So at
5 least for the people of Staten Island, Tom,
6 we're very pleased that you're on the case, and
7 we feel that Staten Island should fare well,
8 which means not at anybody's expense but
9 certainly not be the expense either.

10 In any event, I'm very pleased to
11 second this nomination.

12 ACTING PRESIDENT MEIER: Does any
13 others Senator wish to be heard on the
14 nomination?

15 SENATOR GENTILE: Mr. President.

16 ACTING PRESIDENT MEIER: Senator
17 Gentile.

18 SENATOR GENTILE: Thank you.
19 Seems like there's a wealth of nominations
20 coming from the Brooklyn/Staten Island area
21 today. Although I cannot say that I know Mr.
22 Cassano at all, but -- and also I believe he's a
23 constituent of Senator Marchi's, I must say and
24 rise in support of this nomination, for the
25 fact that Mr. Cassano is a Staten Islander and

1 there are many, many, many issues concerning the
2 MTA on Staten Island including the half fare
3 express bus campaign that has been going on on
4 the Island. I see that Mr. Cassano has some
5 experience with that, with the Transportation
6 Workers Union, and I just rise to second and
7 endorse that nomination and look forward to
8 working with Mr. Cassano and the others on the
9 issues that are not only affecting Staten Island
10 but Brooklyn and the rest of New York City.

11 ACTING PRESIDENT MEIER: Senator
12 Lachman.

13 SENATOR LACHMAN: I also rise to
14 second the nomination of Thomas Cassano as a
15 non-voting member of the MTA and to emphasize
16 the importance to the MTA of having a trade
17 union member and leader from the TWU and also
18 someone who came up from the ranks who
19 understands as a professional in his field what
20 is necessary, what works, what doesn't work, to
21 improve the entire transportation system in the
22 city of New York.

23 We've met. I had the honor of
24 meeting Mr. Cassano for the first time again at
25 this joint meeting of the Transportation and

1 Finance Committee. He did an excellent job
2 there, and I look forward to his continuation
3 with great goals for the future as a
4 representative of the trade union movement as a
5 non-voting member of the MTA.

6 Thank you.

7 ACTING PRESIDENT MEIER: Does any
8 other Senator wish to be heard on the
9 nomination?

10 The question is on the
11 confirmation of Thomas Cassano as an alternate
12 non-voting member of the MTA. All in favor
13 signify by saying aye.

14 (Response of "Aye.")

15 Opposed nay.

16 (There was no response.)

17 Thomas Cassano is hereby
18 confirmed as an alternate non-voting member of
19 the MTA.

20 Mr. Cassano?

21 (Applause)

22 Good luck and congratulations,
23 sir.

24 SENATOR SKELOS: Mr. President.

25 ACTING PRESIDENT MEIER: Senator

1 Skelos.

2 SENATOR SKELOS: If we could
3 return to reports of standing committees, I
4 believe there's a report of the Rules Committee
5 at the desk. I ask it be read.

6 ACTING PRESIDENT MEIER: Return
7 to reports of standing committees. The
8 Secretary will read.

9 THE SECRETARY: Senator Bruno,
10 from the Committee on Rules, offers up the
11 following bill directly for third reading:

12 Senate Print 5721, by the
13 Committee on Rules, an act to amend the Racing,
14 Pari-Mutuel Wagering and Breeding Law.

15 SENATOR SKELOS: Mr. President, I
16 move to accept the report of the Rules
17 Committee.

18 ACTING PRESIDENT MEIER: All
19 those in favor of accepting the report of the
20 Rules Committee signify by saying aye.

21 (Response of "Aye.")

22 Opposed nay.

23 (There was no response.)

24 The report of the Rules Committee
25 is accepted.

1 SENATOR SKELOS: Take up Calendar
2 Number 1537.

3 ACTING PRESIDENT MEIER:
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 1537, by the Committee on Rules, Senate Print
7 5721, an act to amend the Racing, Pari-Mutuel
8 Wagering and Breeding Law.

9 SENATOR SKELOS: Mr. President, is
10 there a message at the desk?

11 ACTING PRESIDENT MEIER: There's
12 a message at the desk.

13 SENATOR SKELOS: Move to accept.

14 ACTING PRESIDENT MEIER: Motion
15 to accept the message of necessity at the desk.
16 All those in favor signify by saying aye.

17 (Response of "Aye.")

18 Opposed nay.

19 (There was no response.)

20 The message is accepted.

21 Senator Skelos.

22 SENATOR SKELOS: Please have the
23 last section read.

24 THE SECRETARY: Section 5. This
25 act shall take effect immediately.

1 ACTING PRESIDENT MEIER: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Those recorded in
5 the negative on Calendar Number 1537 are
6 Senators Padavan, Spano and Tully. Ayes 50,
7 nays 3.

8 ACTING PRESIDENT MEIER: The bill
9 is passed.

10 Senator Skelos.

11 SENATOR SKELOS: If we could call
12 up Calendar Number 1170.

13 ACTING PRESIDENT MEIER:
14 Secretary will read.

15 THE SECRETARY: Calendar Number
16 1170, by Senator LaValle, Senate Print 3286-B,
17 an act to amend the Civil Rights Law.

18 SENATOR SKELOS: Mr. President,
19 is there a message of necessity at the desk?

20 ACTING PRESIDENT MEIER: There's
21 a message at the desk.

22 SENATOR SKELOS: Move to accept.

23 ACTING PRESIDENT MEIER: All in
24 favor of accepting the message of necessity
25 signify by saying aye.

1 (Response of "Aye.")

2 Those opposed by saying nay.

3 (There was no response.)

4 The message is accepted. Read
5 the last section.

6 THE SECRETARY: Section 6. This
7 act shall take effect in 90 days.

8 ACTING PRESIDENT MEIER: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT MEIER: The bill
12 is passed.

13 THE SECRETARY: Ayes 53.

14 ACTING PRESIDENT MEIER: Got
15 ahead of you. The bill is passed.

16 Senator Skelos.

17 SENATOR SKELOS: Mr. President,
18 is there any housekeeping at the desk?

19 ACTING PRESIDENT MEIER: No,
20 Senator Skelos, there is no housekeeping.

21 SENATOR SKELOS: Therefore, I
22 move we adjourn subject to the call of the
23 Majority Leader, intervening days to be
24 legislative days.

25 ACTING PRESIDENT MEIER: On

1 motion, the Senate stands adjourned to the call
2 of the Majority Leader, the intervening days to
3 be legislative days.

4 (Whereupon at 2:32 p.m., the
5 Senate adjourned.)

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