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ALBANY, NEW YORK

April 30, 1998

1:24 p.m.

REGULAR SESSION

SENATOR MICHAEL A.L. BALBONI, Acting President

STEVEN M. BOGGESS, Secretary

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

2 ACTING PRESIDENT BALBONI: The
3 Senate will come to order. Please join me in
4 saying the Pledge of Allegiance.

5 (Assemblage repeated the Pledge
6 of Allegiance to the Flag.)

7 In the absence of clergy, we'll
8 all bow our heads in a moment of silence.

9 (A moment of silence was
10 observed.)

11 Reading of the Journal.

12 THE SECRETARY: In Senate,
13 Wednesday, April 29th. The Senate met
14 pursuant to adjournment. The Journal of
15 Tuesday, April 28th, was read and approved.
16 On motion, Senate adjourned.

17 ACTING PRESIDENT BALBONI:
18 Without objection, the Journal stands approved
19 as read.

20 The presentation of petitions.
21 Messages from the Assembly.
22 Messages from the Governor.
23 Reports of standing
24 committees. The Secretary will read.

25 THE SECRETARY: Senator Lack,

1 from the Committee on Judiciary, offers up the
2 following nomination:

3 As a Justice of the Supreme
4 Court for the Second Judicial District, Muriel
5 Shaff Hubsher, of Brooklyn.

6 ACTING PRESIDENT BALBONI:
7 Senator Lack.

8 SENATOR LACK: Mr. President, I
9 rise to move the nomination of Muriel Shaff
10 Hubsher, of Brooklyn, as a Justice of the
11 Supreme Court for the Second Judicial
12 District. Judge Hubsher appeared before the
13 Judiciary Committee this morning, was
14 unanimously moved by the committee to the
15 floor of the Legislature. Her credentials
16 have been examined by the staff of the Senate
17 Judiciary Committee, have been found totally
18 in order, and I would respectfully yield to
19 Senator Connor for the purposes of a second.

20 ACTING PRESIDENT BALBONI:
21 Senator Connor.

22 SENATOR CONNOR: Thank you, Mr.
23 President.

24 Mr. President, I'm indeed
25 honored to second the nomination to confirm

1 Judge Hubsher. She has served with
2 distinction in the great county of Kings as a
3 criminal court judge, and as an acting Justice
4 of the Supreme Court and brings to the bench
5 -- brings to this new appointment as a
6 Supreme Court Justice her experience in the
7 court system as a law secretary to some of the
8 finest jurists that the county of Kings has
9 been graced with over the past years. Besides
10 her very astute legal mind, her human
11 qualities will make her a good judge because,
12 as I've said before in this chamber, being a
13 judge is more than just learning of the law.
14 Judging is about knowing and understanding
15 people, knowing and understanding the
16 community in which one resides and
17 understanding the basic elements of human
18 nature. Judge Hubsher has demonstrated in her
19 tenure on the bench the ability to do that so
20 well.

21 Besides all this, she's a
22 wonderful person, a delightful person, and I'm
23 indeed happy to move her confirmation.

24 Judge Hubsher is here today
25 with us, and I urge all my colleagues to

1 support this nomination.

2 ACTING PRESIDENT BALBONI: The
3 question is on the nomination of Judge Muriel
4 Shaff Hubsher as a Justice of the Supreme
5 Court for the Second Judicial District.

6 All in favor signify by saying
7 aye.

8 (Response of "Aye.")

9 Opposed nay.

10 (There was no response.)

11 Muriel Hubsher is hereby
12 confirmed as a Justice of the Supreme Court of
13 the Second Judicial District.

14 Congratulations! With her this
15 afternoon are her husband, Dr. Mitchell
16 Hubsher, grandchildren Sierra and Willow
17 Hubsher, family members Dr. and Mrs. Steve
18 Shaff, and friends Murray Tannenholtz and Dr.
19 and Mrs. Joseph Fenton. Welcome, all.
20 Congratulations.

21 (Applause)

22 Secretary will read.

23 THE SECRETARY: As Judge of the
24 Court of Claims, Edgar C. Nemoyer, of
25 Buffalo.

1 ACTING PRESIDENT BALBONI:

2 Senator Lack.

3 SENATOR LACK: Thank you, Mr.
4 President.

5 I rise once again to move the
6 nomination of Edgar C. Nemoyer, of Buffalo, as
7 a judge of the Court of Claims. Judge Nemoyer
8 is already a member of the Court of Claims.
9 His credentials were examined by the staff of
10 the Judiciary Committee. They were found
11 certainly to be in order. He appeared before
12 the committee this morning, was unanimously
13 moved to the floor.

14 I'm happy to call on Senator
15 Volker for purposes of a second.

16 ACTING PRESIDENT BALBONI: The
17 chair recognizes Senator Volker.

18 SENATOR VOLKER: Mr. President,
19 I want to second the nomination of Judge
20 Nemoyer who has been on the Court of Claims
21 previously. A fine gentleman, as I said in
22 the committee meeting. I've known Edgar
23 Nemoyer for a number of years -- a former
24 police officer, a former teacher at SUNY law
25 school, a fine gentleman and a top flight

1 jurist, I think probably considered one of the
2 best lawyers in the western New York area, and
3 I think the Governor made really a great
4 choice renaming Ed Nemoyer to the Court of
5 Claims.

6 ACTING PRESIDENT BALBONI:

7 Thank you, Senator Volker.

8 Senator Stachowski.

9 SENATOR STACHOWSKI: Thank you,
10 Mr. President.

11 I, too, would like to rise to
12 second the nomination of Edgar Nemoyer. He
13 has done a great job on the Court of Claims
14 and obviously the Governor made a great choice
15 when he reappointed him. I was glad to follow
16 Senator Volker because it's always good when
17 one policeman/lawyer speaks first about
18 another policeman/lawyer, not having been
19 either, but he does a great job on the bench.
20 He's always been active in his community. I'm
21 glad that he's one of my constituents, and
22 it's a thrill to have the opportunity to say a
23 few words about Edgar Nemoyer.

24 ACTING PRESIDENT BALBONI:

25 Thank you, Senator Stachowski.

1 Chair recognizes Senator Rath.

2 SENATOR RATH: Thank you, Mr.

3 Chairman.

4 It's my pleasure also to rise
5 on behalf of a few words for Judge Nemoyer.

6 Judge Nemoyer is a friend and a
7 comrade on the judiciary of many of the people
8 that I know very well back in the district,
9 thought of very highly by the bench and the
10 bar and all the people of the community. I'm
11 delighted that he's going to be reappointed
12 and wish you well, Judge.

13 ACTING PRESIDENT BALBONI: The
14 question is on the confirmation of Edgar C.
15 Nemoyer as judge of the Court of Claims. All
16 those in favor signify by saying aye.

17 (Response of "Aye.")

18 Opposed nay.

19 (There was no response.)

20 Eric -- Edgar C. Nemoyer is
21 hereby confirmed as a Court of Claims judge.

22 Congratulations, and the judge
23 has with him today his wife Josephine.

24 Congratulations.

25 (Applause)

1 Secretary will read.

2 THE SECRETARY: As a judge of
3 the Court of Claims, Terry Jane Ruderman of
4 Scarsdale.

5 ACTING PRESIDENT BALBONI:
6 Senator Lack.

7 SENATOR LACK: Thank you, Mr.
8 President.

9 I rise to move the nomination
10 of Terry Jane Ruderman as a judge of the Court
11 of Claims. Judge Ruderman is currently a
12 member of that court. She was confirmed by
13 this body in June of 1995, is completing
14 almost three years on the Court of Claims.
15 She, of course, has had her credentials once
16 again examined by the staff of the Judiciary
17 Committee. They've been found entirely in
18 order, and I would just like to spend a moment
19 or two myself, if I could, talking about Judge
20 Ruderman because, since she has been on the
21 bench for the last three years, I've gotten to
22 know her and to know her work.

23 She took over a seat that had
24 been vacant in White Plains in Westchester
25 County, in a court that had a large backlog.

1 She's done an excellent job. She has erased
2 the backlog. I know from her colleagues who
3 sit on the Court of Claims that she has
4 achieved an excellent record on that court,
5 which is not surprising considering her back
6 ground as a principal law clerk to the
7 Honorable Kenneth Rudolph of the Supreme Court
8 in Westchester County, as a practicing
9 attorney in the office of the County Executive
10 of Westchester County, the Westchester County
11 Attorney, distinguished graduate of Pace
12 University, articles editor of the Pace
13 University Law Review.

14 Judge Ruderman, a -- one of the
15 first appointees of then new Governor George
16 Pataki, has certainly distinguished herself on
17 the Court of Claims and, Mr. President, it is
18 a distinct pleasure to rise to move her
19 renomination as a judge of that court and to
20 wish her Godspeed and good luck.

21 Like to also mention, she is
22 joined today by her husband, Jerold Ruderman,
23 and her daughter and son-in-law, Jill and
24 Donald Sandford.

25 Thank you, Mr. President.

1 ACTING PRESIDENT BALBONI:

2 Chair recognizes Senator Leibell.

3 SENATOR LEIBELL: Thank you,
4 Mr. President.

5 Senator Lack has very well and
6 ably stated the great record of Judge
7 Ruderman, but I would like to at this point
8 join in and move this nomination, noting her
9 great accomplishments as a member of the Court
10 of Claims, and the distinguished career she
11 had before she went to that bench.

12 This has certainly been a most
13 excellent appointment by Governor Pataki, and
14 I join in with my colleagues in wishing her a
15 continued successful career as a jurist.

16 ACTING PRESIDENT BALBONI: The
17 question is on the confirmation of Terry Jane
18 Ruderman of Sand Lake as judge of the Court of
19 Claims --sorry about that typo, Scarsdale.
20 Sand lake is a nice place too though, your
21 Honor.

22 All those in favor, please
23 signify by saying aye.

24 (Response of "Aye.")

25 Opposed nay.

1 (There was no response.)

2 Terry Jane Ruderman is hereby
3 confirmed as judge of the Court of Claims.
4 Congratulations, Judge Ruderman, and joining
5 judge Ruderman today is her husband, Jerold
6 Ruderman, daughter Jill and her husband,
7 Donald Sandford, and friends Debbie Sellas,
8 Susie Hickson and Tom Jefferson.

9 Congratulations, your Honor.

10 (Applause)

11 The Secretary will read.

12 THE SECRETARY: As a judge of
13 the Court of Claims, Jonathan Lippman, of Rye
14 Brook.

15 ACTING PRESIDENT BALBONI:
16 Senator Lack.

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

19 It is with great honor that I
20 rise to move the nomination of Jonathan
21 Lippman, of Rye Brook, as a judge of the Court
22 of Claims. This, as with Judge Ruderman, is
23 the second time that Judge Lippman has
24 appeared before this body for a renomination.
25 I'd like to spend a couple minutes, if I

1 could, just saying a couple things about Jon
2 Lippman.

3 Jon Lippman, of course, as
4 everybody knows, is not only a judge of the
5 Court of Claims but is the chief
6 administrative judge of the state of New
7 York. As such, he has the hardest job of any
8 judge in the court system. Up to not too long
9 ago, when someone wasn't a judge, you could
10 become chief administrator of the courts.
11 Technically, under the law, you could do that
12 still today. The court system, and I think
13 rightly, found out not too long ago that
14 trying to have a non-judge serving as the
15 chief administrator of the state's judicial
16 system severely hobbles the ability of that
17 person to do his or her work.

18 Governor Pataki, I think in
19 anticipation that there would be an opening in
20 the chief administrative -- chief
21 administrator's position, very wisely moved
22 the nomination of the then deputy chief
23 administrator of the courts, Jon Lippman, to
24 become a judge of the Court of Claims and
25 subsequently the deputy chief administrative

1 judge and not surprisingly, of course, he
2 succeeded to the job of chief administrative
3 judge.

4 But a judge he is, and as the
5 chief administrative judge of the state of New
6 York, he's the one person every day who has to
7 walk the fine line by being a judge and yet
8 also part of the real politic system of how
9 this state is governed, who has to daily deal
10 with any one or more of the 211 legislators,
11 the agencies of state government, the
12 gubernatorial process, the people in the
13 Governor's office, and has to move the billion
14 dollar a year agency that the judiciary is
15 through its paces 365 days a year and, at the
16 same time, still adhere to the canons of
17 judicial ethics and everything that that
18 requires to be a judge.

19 If anybody thinks that that's
20 an easy job and one that can be done without
21 having to spend a good part of the day
22 wondering where that line is between being an
23 administrator and a judge, and how far you can
24 operate into the political system and at the
25 same time still be a judge, try to follow

1 Judge Lippman on his daily rounds and see how
2 he does the job, and the answer you'll get
3 from me as probably the member of the
4 Legislature that he has to deal with him the
5 most, is that he does the job spectacularly.
6 He is totally honest. He is totally
7 available. He is accessible not only to
8 myself but to any member of this Legislature
9 at any time.

10 He has taken a job that, in the
11 past, has been considered a bureaucratic
12 nightmare and turned it into a philosophically
13 based operation where the judiciary as a whole
14 under his guidance together with the guidance
15 of the chief judge of the state, the chief
16 judge of the Court of Appeals, Judith Kaye,
17 are firmly in front of a leadership moving the
18 judicial system. Whether you agree or not on
19 how that system is being moved, no one can
20 disagree that they have taken a very
21 affirmative hold on the leadership of the
22 judicial system, and they're carrying out in
23 the best interests of that system a change to
24 move us into the next century, and in that
25 vein, particularly the chief administrative

1 judge, Jon Lippman, has done an excellent
2 job.

3 There is no doubt that this
4 state's judicial system would be in a far
5 worse position were it not for his two and a
6 half years of leadership as the chief
7 administrative judge and although we are today
8 merely concerned with his renomination as a
9 judge of the Court of Claims, it is that
10 basis, that basis to be called Judge Jonathan
11 Lippman, and, therefore, the chief
12 administrative judge, that is before this body
13 and I very proudly for one stand up, one, to
14 congratulate him on his renomination but, two,
15 on behalf of this body, the Senate of the
16 state, to thank him for everything that he has
17 done for the entire population of the state
18 and for his friendship and for his cooperation
19 to myself and particularly to the members of
20 this body.

21 So, Jon, congratulations to you
22 today for your renomination and, again, thanks
23 for everything that you've done for all of
24 us.

25 Thank you, Mr. President.

1 (Applause)

2 ACTING PRESIDENT BALBONI:

3 Thank you.

4 Thank you, Senator Lack.

5 The chair recognizes Senator
6 Stafford.

7 SENATOR STAFFORD: Thank you,
8 Mr. President.

9 All of these are fine, fine
10 appointments, Mr. President, to the judiciary,
11 and the difference in the judiciary, we have
12 to be provincial here in this body and I have
13 to point out that Judge Ruderman has ties to
14 upstate New York and that I'd be less than
15 doing my job if I didn't say that, but
16 together all of these appointments are just
17 fine, and I have to say this about Judge
18 Lippman. I wanted to point this out. I've
19 been around a while, and whether you're a
20 judge or whatever you do, Judge Lippman has
21 some attributes that are in a very difficult
22 job, and as was pointed out here earlier, and
23 I think it really bodes well for the entire
24 state.

25 He listens. He does his best

1 to be fair and even if he has to say so, which
2 unfortunately we all have to do, but in his
3 position I'm sure he'd enjoy most of the time
4 -- most of the time would enjoy saying yes
5 more, but maybe that isn't the case either,
6 but what I'm trying to say, if you don't agree
7 with Judge Lippman, if you drove by his home
8 in the middle of the night, you wouldn't
9 hesitate to knock on the door and say, "I ran
10 out of gas, and would you give me -- share
11 with me, please, some fuel." What I mean is
12 that is the type of individual he is. He does
13 it so well and, again, together with all of
14 the appointments, this is a fine day for us
15 here in the state of New York.

16 Thank you.

17 ACTING PRESIDENT BALBONI:

18 Thank you, Senator Stafford.

19 Senator Rath.

20 SENATOR RATH: Mr. President,
21 it gives me a great deal of pleasure to rise
22 and congratulate Judge Lippman on his
23 reappointment and to speak on behalf of some
24 folks who aren't here, but some folks I know
25 very well, the Association of Supreme Court

1 Justices who, with your direction, Judge
2 Lippman, have managed to yet again function
3 for another year and looking to you for
4 leadership, you are there with them at every
5 step of the road. They know that; they
6 appreciate that and, as Senator Lack so
7 clearly pointed out, there are differences of
8 opinion, but that does not mean that in a
9 system such as ours that the differences
10 cannot be aired, cannot be reviewed and found
11 the best consensus to move forward.

12 We have a great and wonderful
13 tradition in this country of three sections of
14 government, and I think that having the
15 greatest respect for the judiciary as they
16 respect the Legislature and we all respect the
17 execute, that tradition, I think, stands
18 strong, and I know that Judge Lippman will be
19 there to safeguard that tradition.

20 Good luck, Judge.

21 ACTING PRESIDENT BALBONI:

22 Senator Leichter.

23 SENATOR LEICHTER: Yes. Mr.

24 President, I too want to take this opportunity
25 to acknowledge the superb work that Judge

1 Lippman has done as the chief administrative
2 judge of the state of New York. It's an
3 extremely difficult position and only because
4 of the myriads of courts we have, and the
5 large judicial establishment that we have, but
6 also because you're dealing with judges who
7 are elected, some are appointed. It requires
8 a great deal of delicacy in dealing with them,
9 and Judge Lippman has shown that tact at the
10 same time that he has moved the system
11 forward. He's made it more efficient,
12 coordinated the functions of the judiciary.

13 Senator Lack mentioned today
14 the Judiciary Committee, and it ought to be
15 said that that same diplomacy, that same tact
16 and that same ability working with people has
17 also characterized Judge Lippman's
18 relationship with the Legislature, and I think
19 it never mattered to him whether you're
20 Majority, Minority, how long you've been in
21 the Legislature. He treats every legislator
22 very fairly. He's accessible; he's
23 available. He responds. He really is an
24 important part of making this judicial system
25 work, and I think that under Chief Judge Kaye

1 and with Judge Lippman, I think we have seen a
2 judicial system that much better responds to
3 enormous demands and great needs that are
4 placed on it.

5 We're fortunate to have a
6 judicial system that has so many fine judges.
7 I see one of them sitting right in our midst
8 here, Judge Mega, but to bring it and have it
9 function as a whole requires exceptional skill
10 and that is what Judge Lippman has brought to
11 this position. So I'm delighted to join with
12 my friends here in confirming Judge Lippman
13 and wishing him success as a Court of Claims
14 judge who will continue to administer the
15 courts of the state of New York.

16 ACTING PRESIDENT BALBONI:

17 Thank you, Senator Leichter.

18 Senator Velella.

19 SENATOR VELELLA: Mr.

20 President, now that he's leaving, I finally
21 find something that I agree with Senator
22 Leichter on -- incredible, Franz.

23 But let me say that certainly
24 Judge Lippman has been an effective
25 administrator and a good judge. One who's a

1 good and effective an administrator sets a
2 good for example, and I don't know how many
3 people that are here can say they are the
4 first one in every morning in their office
5 before any of the staff, and that's the way
6 Judge Lippman does the administration of our
7 court system. I think he has done an
8 outstanding job. I have not always agreed
9 with him on everything he does, but he's got a
10 reason, sometimes wrong, for what he does.

11 Let me say that I look forward
12 to working together with him for a long time
13 to come, and congratulate him on his
14 appointment.

15 ACTING PRESIDENT BALBONI:
16 Thank you, Senator Velella.

17 Senator Dollinger.

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

20 I'm always fascinated when I go
21 out to my community and I meet with the state
22 Supreme Court Judges and they talk about
23 specific issues, and then the door closes and
24 they all whisper quietly, Boy, OCA, they're
25 the problem. Then I go to the lawyers, and we

1 have a meeting with the bar association, and
2 someone whispers behind the door, Boy, it's
3 all OCA's fault. And then I go to the court
4 reporters, and they all say, Boy, it's always
5 a problem with OCA.

6 What they all uniformly also
7 agree on is that Jon Lippman has done a
8 fabulous job, and my recommendation to you,
9 Judge, is figure out another name for that
10 thing they call OCA, change the name. It will
11 be four or five years before everybody knows
12 what to call it, but the bottom line is, you
13 have been an agent of change. You have taken
14 a system that for 150 years was resilient to
15 change, composed of judges and lawyers, people
16 who liked the way they practiced, don't like
17 to be held accountable to the people of this
18 state or to this Legislature. You have been
19 at the forefront of creating that
20 accountability and creating a system that
21 serves the needs of the people of our state.

22 I applaud your work; I applaud
23 the work of the chief judge. You're on the
24 right path. Although you may get a lot of
25 blame and you may hear those disgruntled

1 voices from time to time, don't lose your
2 steam. Keep it up, you're doing the right
3 thing, and I enthusiastically vote in favor of
4 this nomination as a continuation down the
5 path of making our courts courts that serve
6 the people's interest.

7 ACTING PRESIDENT BALBONI:

8 Thank you, Senator Dollinger.

9 The chair recognizes Senator
10 Roy Goodman.

11 SENATOR GOODMAN: Mr.

12 President, it's a pleasure and a privilege to
13 rise as a non-member of the legal profession
14 to comment upon the extraordinary capacity of
15 Judge Lippman.

16 It's one thing to be a judge
17 and a fine lawyer, but it's quite another to
18 be a capable administrator, and I must say it
19 is an exceptional rarity to find an individual
20 who is able to clearly demonstrate skills of
21 the highest order in both departments.

22 As the administrative judge,
23 this particular individual is charged with
24 immense and complicated administrative
25 responsibilities requiring the highest skill,

1 tact, diplomacy, energy, and sheer guts and,
2 if I may say so, having observed Judge Lippman
3 testify before the joint legislative
4 committees budgets, it's quite clear that his
5 Phi Beta Kappa key was well earned, because
6 his brain has obviously not deteriorated since
7 his college days. He is able to give you a
8 very complex discussion of any aspect of the
9 judicial budget which you question him about,
10 and I've observed this with great admiration
11 on several occasions over the years.

12 Mr. President, I am not -- he
13 is not directly my constituent, but I do have
14 a week end house in the country which is
15 probably about 3,000 yards from where Judge
16 Lippman lives and I, therefore, feel it ap
17 propriate to comment upon the fact that I hope
18 that he enjoys the recreational activities
19 afforded him by that neighborhood. I doubt
20 that he has much time for it, but look forward
21 to encountering him in the Pepsi-Cola World
22 Headquarters where sculpture and works of art
23 abound, and I hope that we'll have an
24 opportunity to see him, and I congratulate him
25 most warmly on this richly deserved

1 appointment.

2 ACTING PRESIDENT BALBONI:

3 Thank you, Senator Goodman.

4 Senator Oppenheimer.

5 SENATOR OPPENHEIMER: Well, I
6 don't have a summer house in the district, but
7 I'm very proud that you're -- you're living in
8 my district, and thank you for touting,
9 Senator Goodman, the wonderful recreation
10 opportunities -- recreational opportunities
11 available in my Senate District.

12 I also am not in the legal
13 profession, and you don't have to be in the
14 legal profession to know what has been
15 accomplished by Judge Lippman. He has not
16 only made an accessible court, an efficient
17 court, but one that has garnered a great deal
18 of praise from people both within the legal
19 community and outside of the legal community.

20 So much has been said about his
21 efficiency and his accessibility, and the
22 wonderful combination of legal talent and
23 organizational/managerial talent, but I would
24 like to just take a moment to talk about the
25 fact that this man and his family live in my

1 district. They are decent, warm, generous
2 people and have added greatly to the community
3 life, and I would like that to be noted on the
4 record too, and we are just very, very
5 fortunate that he is willing to really give so
6 much of himself to the legal system and to the
7 people of New York, and we thank you for that,
8 Judge.

9 ACTING PRESIDENT BALBONI:

10 Thank you, Senator Oppenheimer.

11 The question is on the
12 confirmation of Jonathan Lippman of Rye Brook
13 as judge of the Court of Claims. All in favor
14 signify by saying aye.

15 (Response of "Aye.")

16 Opposed nay.

17 (There was no response.)

18 Jonathan Lippman is hereby
19 confirmed as judge of the Court of Claims, and
20 Jonathan Lippman is joined today by his wife
21 Amy and his mother-in-law, Renee Fiedler, and
22 let me allow one comment, if I may: You are a
23 terrific judge. May you continue a great
24 tenure, and the accolades have been
25 consistently wonderful. Good luck in your

1 tenure.

2 (Applause)

3 Secretary will read.

4 THE SECRETARY: As a judge of
5 the Court of Claims, Diane L. Fitzpatrick, of
6 Tully.

7 ACTING PRESIDENT BALBONI:
8 Senator Lack.

9 SENATOR LACK: Thank you, Mr.
10 President.

11 I rise to move the nomination
12 of Diane L. Fitzpatrick, of Tully, as a judge
13 of the Court of Claims. Her credentials have
14 been examined by the -- by the staff of the
15 committee. They have been found to be totally
16 in order. She appeared before the committee
17 this morning, was unanimously moved to the
18 floor, and I would be pleased to yield for
19 purposes of a seconding to Senator Ray Meier.

20 ACTING PRESIDENT BALBONI:
21 Senator Meier.

22 SENATOR MEIER: On behalf of
23 myself and also Senator Alesi, I'm honored to
24 rise and support the nomination of Diane
25 Fitzpatrick to the Court of Claims. But I

1 just want to note as an aside, as we look at
2 the calendar today, four of the distinguished
3 jurists whom we've confirmed are women, and I
4 need to tell a true story.

5 My wife and I have some friends
6 who live in Connecticut, husband and wife,
7 both lawyers, he a corporate lawyer, she a
8 local criminal court judge. They have a
9 four-year-old son named Charlie. One day I
10 said to Charlie, "Think you might want to be a
11 lawyer some day or even a judge, like your
12 mom?" And Charlie said, "Nah, I don't want to
13 be a judge." I said, "Why not?" He said,
14 "Because that's a girl's job."

15 Well, Charlie may be onto
16 something, and we in society are onto
17 something, because we're no longer going to
18 deprive ourselves of the brains and the
19 talents and the abilities on the bench or any
20 place else, of a majority of our population.

21 I've known Diane Fitzpatrick
22 for many years. Her husband, the district
23 attorney of Onondaga County, a distinguished
24 public servant in his own right, was my law
25 school roommate, and a friend of over 25

1 years, and so I have known Diane for some
2 time. I've also had the opportunity to know
3 her as a lawyer and to try cases with her and,
4 if you look at her law practice, one of the
5 impressive things is not just that she engages
6 broadly in the general practice of law, but
7 even after she attained some measure of
8 success in the practice, she continued to take
9 time to do things like serve as a law guardian
10 to protect the rights of small children, and
11 she found time for great community involvement
12 in charitable work and to serve as a local
13 elected official, and she also found time to
14 do one heck of a great job as the mother of
15 Daniel, Sara and Sean.

16 Judges find the law in law
17 books, but judges also find justice and equity
18 and compassion by having broad experience in
19 life and by welcoming broad daily contact with
20 people in every walk of life and, by that
21 measure, Diane, you will be a great judge.
22 Diane, Bill, Daniel, Sara and Sean, welcome to
23 the Senate and, Judge, Godspeed with your
24 important duties.

25 (Applause)

1 ACTING PRESIDENT BALBONI: The
2 question is on the confirmation of Diane L.
3 Fitzpatrick, of Tully, as judge of the Court
4 of Claims. All in favor signify by saying
5 aye.

6 (Response of "Aye.")

7 Opposed nay.

8 (There was no response.)

9 Diane L. Fitzpatrick is hereby
10 confirmed as judge of the Court of Claims.
11 Congratulations, and joining the judge in the
12 chamber today are her husband, William and
13 children Daniel, Sara and Sean.
14 Congratulations, your Honor.

15 (Applause).

16 The Secretary will read.

17 THE SECRETARY: As a judge of
18 the Court of Claims, Susan Phillips Read, of
19 West Sand Lake.

20 ACTING PRESIDENT BALBONI:
21 Senator Lack.

22 SENATOR LACK: Thank you, Mr.
23 President.

24 I rise to move the nomination
25 of Susan Phillips Read as a judge of the Court

1 of Claims. Ms. Read's credentials have been
2 examined by the committee. She appeared
3 before the committee this morning and was
4 unanimously moved to the floor.

5 It's -- I have a couple
6 comments of my own. It's a great pleasure to
7 welcome into the Court of Claims somebody with
8 the experience of Susan Read. She, of course,
9 went to Ohio Wesleyan University where, since
10 she's sitting next to Judge Lippman, they can
11 trade their Phi Beta Kappa keys with each
12 other. She then went to one of the most
13 distinguished law schools in the country,
14 University of Chicago Law School where, of
15 course, she graduated and was admitted into
16 New York.

17 What I am particularly pleased
18 about is that she brings to the bench a great
19 knowledge of our system, having just completed
20 several years as Deputy Counsel to the
21 Governor.

22 I would like to make it a
23 requirement -- unfortunately, I can't -- that
24 before assuming the bench that judges have a
25 knowledge of the process of how the executive

1 and the legislative bodies of this state
2 actually work. Since we can't, I'd like to
3 congratulate the Governor for taking somebody
4 from his own staff who certainly has that
5 knowledge and putting her on the bench.

6 I certainly wish her good stead
7 in her career as a judge, and advancement in
8 that career. Perhaps if we can do some of the
9 restructuring proposals that are before this
10 house and the Assembly, she will certainly
11 have that chance to do so in the future, to
12 reflect upon her experience of the executive
13 and her knowledge of the legislative process
14 as a member of the judiciary.

15 But I again congratulate her
16 and certainly the Governor for this
17 appointment because I do consider it to be a
18 very good idea that our process include people
19 entirely familiar with how every division of
20 this government works and for purposes of
21 second, I would be happy to yield to Senator
22 Breslin.

23 ACTING PRESIDENT BALBONI:

24 Senator Breslin.

25 SENATOR BRESLIN: Thank you,

1 Senator Lack. Thank you, Mr. President.

2 I rise to second the nomination
3 of Susan Read, who has been a long time friend
4 of over 20 years, who after her University of
5 Chicago Law School days became the most
6 prominent litigator and environmental lawyer
7 for General Electric and subsequent to that,
8 became a key player for Bond, Schoeneck &
9 King, one of our most respected law firms in
10 the state of New York, and the Governor chose
11 her to be his deputy counsel.

12 Susan Read was chosen because
13 she is bright; she's honest, capable, with no
14 hidden agenda, and she will bring that wealth
15 of experience and knowledge to the Court of
16 Claims, and she will bring a dimension, an a
17 political dimension, and the Governor should
18 be complimented for his choice, and I wish
19 Susan Read and her very distinguished husband
20 and fellow lawyer, all the success in the
21 world.

22 Congratulations.

23 ACTING PRESIDENT BALBONI:

24 Thank you, Senator Breslin.

25 The question is on the

1 confirmation of Susan Phillips Read, of West
2 Sand Lake as judge of the Court of Claims.

3 All in favor signify by saying aye.

4 (Response of "Aye.")

5 Opposed nay.

6 (There was no response.)

7 Susan Phillips Read is hereby
8 confirmed as judge of the Court of Claims.

9 Congratulations, your Honor,
10 and joining Judge Read in the chamber today is
11 her husband, Howard, mother Elizabeth
12 Phillips, sisters Ann Polichene and Mary
13 Phillips, and niece Beth Rabatin.

14 Congratulations, your Honor.

15 (Applause)

16 Reports of select committees.

17 Communications and reports from
18 state officers.

19 Motions and resolutions.

20 The chair recognizes Senator
21 Marcellino.

22 SENATOR MARCELLINO: Yes, Mr.

23 President. On behalf of Senator Velella, I

24 wish to call up his bill, Print Number 6255-A,

25 recalled from the Assembly which is now at the

1 desk.

2 ACTING PRESIDENT BALBONI:

3 Secretary will read.

4 THE SECRETARY: By Senator
5 Velella, Senate Print 6255-A, an act to amend
6 the Insurance Law.

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

10 ACTING PRESIDENT BALBONI:

11 Secretary will call the roll.

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

14 THE SECRETARY: Ayes 55.

15 SENATOR MARCELLINO: Mr.

16 President, I now offer the following
17 amendments.

18 ACTING PRESIDENT BALBONI:

19 Amendments are received.

20 SENATOR MARCELLINO: Mr.

21 President, on behalf of Senator Meier, on page
22 number 12, I offer the following amendments to
23 Calendar Number 115, Senate Print Number
24 2497-A, and ask that said bill retain its
25 place on the Third Reading Calendar.

1 ACTING PRESIDENT BALBONI:

2 Amendments received and so ordered that those
3 bills will retain their place on the Third
4 Reading Calendar.

5 Senator Skelos.

6 SENATOR SKELOS: Mr. President,
7 I believe there are two privileged resolutions
8 at the desk that I have sponsored. May we
9 please have the titles read and move for their
10 immediate adoption.

11 ACTING PRESIDENT BALBONI:

12 Secretary will read.

13 THE SECRETARY: By Senator
14 Skelos, commending the Stecher and Horowitz
15 School of the Arts upon the occasion of
16 honoring Miriam and Seymour B. Jeffries, Sonja
17 and Alvin I. Kahn and Bernyce and Herbert R.
18 Winick, for their dedicated service and
19 participation in the development of the
20 school.

21 ACTING PRESIDENT BALBONI:

22 Senator Skelos.

23 SENATOR SKELOS: Move the
24 resolution.

25 ACTING PRESIDENT BALBONI: The

1 question is on the resolution. All those in
2 favor signify by saying aye.

3 (Response of "Aye.")

4 Opposed nay.

5 (There was no response.)

6 The resolution is adopted.

7 The Secretary will read.

8 THE SECRETARY: By Senator
9 Skelos, Legislative Resolution commemorating
10 the 75th Anniversary of Temple Beth El, Cedar
11 hurst, New York, and honoring outgoing
12 president, Allan Kroningold.

13 SENATOR SKELOS: Move the
14 resolution.

15 ACTING PRESIDENT BALBONI: The
16 question is on the resolution. All those in
17 favor signify by saying aye.

18 (Response of "Aye.")

19 Opposed nay.

20 (There was no response.)

21 The resolution is adopted.

22 Secretary will read

23 substitutions.

24 THE SECRETARY: On page 4,
25 Senator LaValle moves to discharge from the

1 Committee on Local Government Assembly Bill
2 6005-B and substitute it for the identical
3 Senate bill, 3314-A.

4 On page 8, Senator Johnson
5 moves to discharge from the Committee on
6 Finance assembly Bill 2587 and substitute it
7 for the identical Senate bill 1765.

8 On page 9, Senator Stafford
9 moves to discharge from the Committee on
10 Finance Assembly Bill 9999-A and substitute it
11 for the identical Senate Bill 6565-A.

12 On page 9, Senator Spano moves
13 to discharge from the Committee on Finance
14 Assembly Bill 10031 and substitute it for the
15 identical Senate Bill 6671.

16 On page 23, Senator Spano moves
17 to discharge from the Committee on Labor
18 Assembly Bill 925 and substitute it for the
19 identical Senate Bill 6261.

20 On page 27, Senator Balboni
21 moves to discharge from the Committee on Water
22 Resources Assembly Bill 9663 and substitute it
23 for the identical Senate Bill 6706.

24 On page 33, Senator Trunzo
25 moves to discharge from the Committee on

1 Finance Assembly Bill 10283 and substitute it
2 for the identical Senate Bill 6853.

3 ACTING PRESIDENT BALBONI:
4 Substitutions so ordered.

5 SENATOR SKELOS: Mr.
6 President.

7 ACTING PRESIDENT BALBONI:
8 Senator Skelos.

9 SENATOR SKELOS: Would you
10 please call a meeting of the Housing
11 Construction and Community Development
12 Committee in the Majority Conference Room.

13 ACTING PRESIDENT BALBONI:
14 There will be an immediate meeting of the
15 Housing Construction and -- and some other
16 part of it -- I forget -- what is it? -
17 Community Resources, sorry about that, Senator
18 Leibell, in the Majority Conference Room.
19 Please, all members proceed to that room now.

20 Senator Skelos.

21 SENATOR SKELOS: Mr. President,
22 as we move to the calendar, would you first
23 call up first 658, Senate 6853.

24 ACTING PRESIDENT BALBONI:
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 658, substituted earlier today, by member of
3 the Assembly Vitaliano, Assembly Bill 10283,
4 an act to amend the Executive Law and the
5 State Finance Law.

6 ACTING PRESIDENT BALBONI: Read
7 the last section.

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

10 ACTING PRESIDENT BALBONI: Call
11 the roll.

12 (The Secretary called the
13 roll.)

14 THE SECRETARY: Ayes 55.

15 ACTING PRESIDENT BALBONI: The
16 bill is passed.

17 SENATOR SKELOS: Mr. President,
18 if we could now move to the non-controversial
19 calendar.

20 ACTING PRESIDENT BALBONI:
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 181, by Senator Rath, Senate Print 5470, an
24 act authorizing the SUNY college of
25 Environmental Science and Forestry at Syracuse

1 University.

2 ACTING PRESIDENT BALBONI: Read
3 the last section.

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

6 ACTING PRESIDENT BALBONI: Call
7 the roll.

8 (The Secretary called the
9 roll.)

10 THE SECRETARY: Ayes 55.

11 ACTING PRESIDENT BALBONI: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 406, by Senator Hannon, Senate Print 6150, an
15 act to amend the New York Health Care Reform
16 Act of 1996.

17 ACTING PRESIDENT BALBONI: Read
18 the last section.

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

21 ACTING PRESIDENT BALBONI: Call
22 the roll.

23 (The Secretary called the
24 roll.)

25 THE SECRETARY: Ayes 55.

1 ACTING PRESIDENT BALBONI: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 518, by Senator Spano, Senate Print 6412-A, an
5 act to amend the Retirement and Social
6 Security Law.

7 ACTING PRESIDENT BALBONI: Read
8 the last section.

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

11 ACTING PRESIDENT BALBONI: Call
12 the roll.

13 (The Secretary called the
14 roll.)

15 THE SECRETARY: Ayes 55.

16 ACTING PRESIDENT BALBONI: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 539, by Senator Holland, Senate Print 647, an
20 act to amend the General Municipal Law, in
21 relation to indexing.

22 ACTING PRESIDENT BALBONI: Read
23 the last section.

24 SENATOR PATERSON: Lay aside,
25 please.

1 ACTING PRESIDENT BALBONI: Lay
2 that bill aside.

3 THE SECRETARY: Calendar Number
4 543, by Senator LaValle, Senate Print 1378, an
5 act to amend the General Municipal Law, in
6 relation to creating the town of Southampton.

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

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

12 ACTING PRESIDENT BALBONI: Call
13 the roll.

14 (The Secretary called the
15 roll.)

16 THE SECRETARY: Ayes 55.

17 ACTING PRESIDENT BALBONI: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 544, by Senator Leibell, Senate Print 1767, an
21 act to amend the Real Property Tax Law, in
22 relation to allowing municipalities to extend
23 the redemption period.

24 ACTING PRESIDENT BALBONI: Read
25 the last section.

1 THE SECRETARY: Section 2.

2 This act shall take effect immediately.

3 ACTING PRESIDENT BALBONI: Call
4 the roll.

5 (The Secretary called the
6 roll.)

7 THE SECRETARY: Ayes 55.

8 ACTING PRESIDENT BALBONI: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 547, by Senator Lack, Senate Print 2378, an
12 act to amend the County Law, in relation to
13 permitting district attorneys.

14 ACTING PRESIDENT BALBONI: Read
15 the last section.

16 THE SECRETARY: Section 2.

17 This act shall take effect on the 30th day.

18 ACTING PRESIDENT BALBONI: Call
19 the roll.

20 (The Secretary called the
21 roll.)

22 THE SECRETARY: Ayes 55.

23 ACTING PRESIDENT BALBONI: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 581, by Senator Goodman, Senate Print 4056-A,
2 an act to amend the Tax Law, in relation to
3 providing.

4 ACTING PRESIDENT BALBONI: Read
5 the last section.

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

8 ACTING PRESIDENT BALBONI: Call
9 the roll.

10 (The Secretary called the
11 roll.)

12 THE SECRETARY: Ayes 55.

13 ACTING PRESIDENT BALBONI: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 582, by Senator Goodman, Senate Print 4081-A,
17 an act to amend the Tax Law, in relation to
18 authorizing.

19 ACTING PRESIDENT BALBONI: Read
20 the last section.

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

23 ACTING PRESIDENT BALBONI: Call
24 the roll.

25 (The Secretary called the

1 roll.)

2 THE SECRETARY: Ayes 55.

3 ACTING PRESIDENT BALBONI: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 599, by Senator Nozzolio, Senate Print 5183,
7 an act to amend the Executive Law.

8 ACTING PRESIDENT BALBONI: Read
9 the last section.

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

12 ACTING PRESIDENT BALBONI: Call
13 the roll.

14 (The Secretary called the
15 roll.)

16 THE SECRETARY: Ayes 55.

17 ACTING PRESIDENT BALBONI: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 600, by Senator Nozzolio, Senate Print 6606,
21 an act to amend the Executive Law.

22 ACTING PRESIDENT BALBONI: Read
23 the last section.

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

1 ACTING PRESIDENT BALBONI: Call
2 the roll.

3 (The Secretary called the
4 roll.)

5 THE SECRETARY: Ayes 55.

6 ACTING PRESIDENT BALBONI: The
7 bill is passed.

8 Senator Skelos.

9 SENATOR SKELOS: Mr. President,
10 I believe there is just one calendar -- one
11 bill on the non -- on the controversial
12 calendar, Calendar 539, by Senator Joe
13 Holland.

14 ACTING PRESIDENT BALBONI:
15 Secretary will read.

16 THE SECRETARY: Calendar Number
17 539, by Senator Holland, Senate Print 647, an
18 act to amend the General Municipal Law.

19 SENATOR PATERSON:
20 Explanation.

21 ACTING PRESIDENT BALBONI:
22 Senator Holland, an explanation has been asked
23 for.

24 SENATOR HOLLAND: Of course, it
25 will be short.

1 This -- you question this bill
2 every year. I really can't understand it,
3 since it should save money for all taxpayers
4 in the municipalities, and the municipalities,
5 Senator, and you know what it does.

6 It changes the rate of interest
7 paid by municipalities upon judgments or
8 claims against the municipality from a
9 discretionary amount not to exceed 9 percent,
10 to the prime rate, but with a cap at 9 percent
11 to prevent the rate from becoming excessive
12 for municipalities and local taxpayers.

13 ACTING PRESIDENT BALBONI:
14 Senator Paterson.

15 SENATOR PATERSON: Would
16 Senator Holland yield for a couple questions?

17 SENATOR HOLLAND: Yes, sir.

18 SENATOR PATERSON: That's
19 encouraging, Senator.

20 Senator, are you aware of a
21 Court of Appeals decision December 17th of
22 1997 in the case of Rodriguez versus New York
23 City Housing Authority, where the Court of
24 Appeals ruled that the 9 percent is a maximum,
25 not a mandate?

1 SENATOR HOLLAND: Yes.

2 SENATOR PATERSON: And that -
3 you are aware of that?

4 SENATOR HOLLAND: Yes, sir, I
5 am, but the problem is the judges always give
6 9 percent. They do not, as they are able to
7 do within the context of this law, make it 8
8 or 7 or 6, or whatever they want to make it,
9 so we're trying to limit the amount of money
10 that it costs.

11 SENATOR PATERSON: Well, thank
12 you, Mr. President.

13 Senator Holland, the reason I
14 brought that case up is because in that case,
15 the defendant proposed 3.5 percent as the
16 interest rate, and the court, as it usually
17 does, prescribed 9 percent and the Appellate
18 Division upheld, but the Court of Appeals
19 reversed and it actually said that a lower
20 rate could actually be used if the lower rate
21 that was proposed was actually reasonable. So
22 my question is, isn't what you're trying to
23 accomplish actually something that already
24 would exist now based on the dicta in the
25 Court of Appeals decision?

1 SENATOR HOLLAND: Yes, it is,
2 Senator, but we're trying to put it in law
3 because what happens is exactly what I've
4 explained to you before, the judges always or
5 usually set the rate at 9 percent. They do
6 not set it lower than 9 percent and we're
7 trying to put that into law.

8 SENATOR PATERSON: O.K. I
9 understand, Senator. If the Senator would
10 yield to another question?

11 SENATOR HOLLAND: Yes, sir.

12 SENATOR PATERSON: Senator, do
13 you -- why have you created a situation where
14 you put a cap on the elevated interest rate
15 but you don't have a floor? You have a ceiling
16 but you have no floor, so in other words if
17 the prime rate went down to 4 percent or
18 something like that, and that became the
19 interest rate that would really discourage
20 defendants from even responding. In other
21 words, this would be the classic way of
22 avoiding any kind of outside settlement, and
23 so, in other words the problem I have with the
24 legislation is that it's not really
25 even-handed.

1 SENATOR HOLLAND: Senator, I
2 think it is even-handed. I think it's a
3 reasonable thing to do, and that's why I've
4 limited it to 9 percent.

5 SENATOR PATERSON: O.K.,
6 Senator, one final question. What if the
7 prime rate went up to something like 14
8 percent? The prime rate has gone up before.
9 Now, you're going to have a prime rate which
10 is so much higher than the interest rate.

11 SENATOR HOLLAND: That's a cap,
12 that's a cap at 9 percent.

13 SENATOR PATERSON: No, but I'm
14 saying the interest rate on the money itself
15 would enure to the benefit of the defendant
16 because the defendant is sitting there making
17 money at a 14 percent rate and paying it back
18 at a 9 percent rate. It would actually be an
19 incentive not to pay it back. In other words,
20 if the -- the general average of the amount of
21 money that someone can make just by holding
22 their money goes up high enough, your interest
23 rate is now too low, and what I'm saying is
24 we'd have to come back here and do something
25 because now it would actually reward

1 defendants for not paying back their
2 judgment.

3 SENATOR HOLLAND: Well, that's
4 true, Senator. I agree with you on that one,
5 but you know -

6 SENATOR PATERSON: I'll stop
7 right there.

8 SENATOR HOLLAND: No, no. You
9 know as well as I do that it was set at 3
10 percent before, and it's been raised to 9 and
11 I'm sure that we could adjust it if necessary
12 later on.

13 SENATOR PATERSON: O.K. Then
14 Mr. President, on the bill.

15 I just don't think we need to
16 keep coming back here and readjusting it. I
17 think actually some legislation proposed by
18 Senator Volker, Senate 3730, where he's
19 talking about a more flexible rate kind of,
20 the way the Tax Commission uses for taxpayers,
21 something that's a little more flexible or
22 responsive might be actually the answer; but I
23 understand the concern that Senator Holland is
24 -- I understand the concern that Senator
25 Holland has raised, but I just don't think

1 that this is the way to solve it, and it's
2 really not even-handed because it sets a
3 ceiling but no floor.

4 ACTING PRESIDENT BALBONI:
5 Thank you, Senator Paterson.

6 Read the last section.

7 THE SECRETARY: Section 2.

8 This act shall take effect on November 1st.

9 ACTING PRESIDENT BALBONI: Call
10 the roll.

11 (The Secretary called the
12 roll.)

13 THE SECRETARY: Those recorded
14 in the negative on Calendar Number 539 are
15 Senators Connor, Dollinger, Gentile, Leichter,
16 Paterson and Sampson. Ayes 49, nays 6.

17 ACTING PRESIDENT BALBONI: The
18 bill is passed.

19 Senator Paterson.

20 SENATOR PATERSON: Mr.
21 President, may we leave the roll open for just
22 a couple minutes. We have a couple members
23 that may want to vote no but are in committee
24 right now?

25 ACTING PRESIDENT BALBONI:

1 Senator Skelos.

2 SENATOR SKELOS: Is there any
3 housekeeping at the desk?

4 ACTING PRESIDENT BALBONI: I do
5 not believe so, Senator.

6 SENATOR SKELOS: You can leave
7 the roll open pending completion of the
8 Housing Committee, because there are some
9 members in there that wish to come in and
10 vote.

11 ACTING PRESIDENT BALBONI: We
12 will keep the rolls open, Senator.

13 SENATOR PATERSON: Thank you.

14 ACTING PRESIDENT BALBONI:
15 Roll; we will only keep one roll open.

16 SENATOR SKELOS: Recognize
17 Senator Montgomery and then Senator Seabrook
18 for the purposes of voting.

19 ACTING PRESIDENT BALBONI:
20 Senator Montgomery.

21 SENATOR MONTGOMERY: Yes, Mr.
22 President, I'd like to be recorded in the
23 negative on Calendar Number 539.

24 ACTING PRESIDENT BALBONI:
25 Without objection.

1 Senator Seabrook.

2 SENATOR SEABROOK: Yes, Mr.
3 President. I'd like to be recorded in the
4 negative on roll -- Calendar 539.

5 ACTING PRESIDENT BALBONI:
6 Without objection, that will be done.

7 Senator Skelos.

8 SENATOR SKELOS: Mr. President,
9 there being no further business, I move that
10 we adjourn until Monday, May 4th at 3:00
11 p.m., intervening days being legislative
12 days.

13 ACTING PRESIDENT BALBONI: The
14 house stands adjourned until Monday, May 4th,
15 at 3:00 p.m., the intervening days being
16 legislative days.

17 (Whereupon at 2:18 p.m., the
18 Senate adjourned.)

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