NEW YORK STATE SENATE

THE

STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 7, 1999

3:05 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President.

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. I ask everyone present to please rise and recite with me the Pledge of Allegiance.

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

THE PRESIDENT: With us today to give us the invocation is the Reverend Peter G. Young, the pastor of Blessed Sacrament Church in Bolton Landing.

REVEREND YOUNG: Let us pray. Dear Lord, we ask for Your presence and blessings on our time together today in this chamber. We have come to express our concerns about the welfare of our community, to learn from each other, to grow in spirit and in character, to find Your way for our lives and neighbors.

We thank You for the opportunity in this country to assemble ourselves at any time, at any place to discuss our concerns as citizens. We are mindful that many in this world do not enjoy such freedom.

Grant us the wisdom to carry out

your decisions within Your will. Bless us as we continue to conduct our business with dignity and sensitivity. We pray too today for our dear friend John Daly who served in the Assembly and in the Senate for 22 years in the most dedicated commitment to the people of New York State.

His accomplishments as recorded in the resolution will not mention his charity, his love, his kindness to all and his friendly smile. These human qualities, Oh God, will be the things that bring John to the reward of eternity that You have promised to people who do Your will in loving one another.

Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Sunday June 6th, the Senate met pursuant to adjournment. The Journal of Saturday, June 5th was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without object the journal standards approved as read.

Presentation of petitions.

Messages from the Assembly.

Message from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

There are a lot of motions here. On behalf of Senator Rath, I wish to call up her bill, Calendar 860, Assembly Print Number 1474.

THE PRESIDENT: The Secretary will call the calendar on reconsideration.

THE SECRETARY: Calendar Number 860, by Member of the Assembly Tokasz, Assembly Print 1474, an act to amend the State Administrative Procedure Act.

SENATOR FARLEY: I now move to reconsider the vote which this Assembly Bill was substituted for Senator Rath's bill, Senate Print Number 188 on 5/5.

THE PRESIDENT: The Secretary

will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

SENATOR FARLEY: I now move that the Assembly Bill 1474 be committed to the Committee on Rules and Senator Rath's Senate Bill be restored to the order of Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR FARLEY: Madam President, I now offer the following amendments to that.

Madam President, on behalf the Senator Skelos I wish to strike the enacting clause and move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause for Senate Number 2265, 3428 and 1021.

THE PRESIDENT: So ordered and the enacting clauses will be stricken.

SENATOR FARLEY: On behalf of Senator Larkin, Madam President, I wish to call up Print Number 3035, which was recalled from the Assembly which is now at the desk.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: Calendar Number 451, by Senator Larkin, Senate Print 3035, an act to amend the General Municipal Law.

SENATOR FARLEY: I now move to reconsider the vote by which this bill passed.

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

SENATOR FARLEY: I now offer the following amendments. On behalf of Senator Marcellino, Madam President, I wish to call up his bill, Senate Print 1127, recalled from the Assembly which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 408, by Senate Marcellino, Senate Print 1127, an act to amend the Criminal Procedure Law.

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

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Aye 44.

SENATOR FARLEY: Madam President, I now offer the following amendments.

THE PRESIDENT: Amendments received.

SENATOR FARLEY: Also on behalf of Senator Larkin, I wish to call up his bill, Senate Print 4625, recalled from the Assembly which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 728, by Senator Larkin, Senate Print 4625, an act to amend the General Municipal Law.

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

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

SENATOR FARLEY: I now offer the following amendments.

THE PRESIDENT: Amendments

received.

SENATOR FARLEY: Madam President, I wish to call up Senator Leibell's bill, Print Number 5093, which was recalled from the Assembly and is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 814, by Senator Leibell, Senate Print 5093, an act to amend the Retirement and Social Security Law.

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

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

SENATOR FARLEY: I now offer the following amendments.

THE PRESIDENT: The amendments are received, Senator.

Senator McGee.

SENATOR McGEE: Madam President, amendments are offered to the following Third

Reading Calendar bills:

On behalf of Senator Balboni, page 41, Calendar Number 914, Senate Print 4664.

On behalf Senator Volker, page number 37, Calendar Number 846, Senate Print 4719-A;

On behalf Senator Marcellino, page number 32, Calendar Number 795, Senate Print 1326-B;

On behalf Senator Trunzo, page 31, Calendar Number 772, Senate Print 4408;

On behalf of Senator Seward, page number 25, Calendar Number 660, Senate Print 4381-A;

On behalf of Senator Rath, page number 24, Calendar Number 633, Senate Print 4436-A;

On behalf of Senator Padavan, page number 5, Calendar Number 92, Senate Print 1060;

On behalf Senator Padavan, page number 5, Calendar Number 64, Senate Number 1182;

On behalf of Senator Trunzo, page 40, Calendar Number 893, Senate Print 4487;

On behalf Senator Rath, page number 41, Calendar Number 899, Senate Print 1367.

On behalf Senator Hannon, page number 45, Calendar Number 956, Senate Print 4869;

On behalf of Senator Meier, page number 54, Calendar Number 1102, Senate Print 2825.

Madam President I now move that these bill retain their place on the Order of Third Reading.

THE PRESIDENT: The amendments are received and the bills will retain their place on the Third Reading Calendar.

SENATOR McGEE: Thank you, Madam President.

THE PRESIDENT: Thank you, Senator McGee.

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR LIBOUS: I feel that Senator McGee left me out, so could you please place a sponsor star on Calendar Number 1075

for me today?

THE PRESIDENT: So ordered, Senator Libous.

Senator Hevesi.

SENATOR HEVESI: Thank you, Madam President.

THE PRESIDENT: Your welcome.

SENATOR HEVESI: On page number I offer the following amendments to Calendar Number 841, Senate Print 1990, and ask that said bill retain its place on Third Reading Calendar.

THE PRESIDENT: The amendment is received and the bill will retain its place on the Third Reading Calendar, Senator Hevesi.

SENATOR HEVESI: Thank you.

THE PRESIDENT: Your welcome. Senator Paterson.

SENATOR PATERSON: Thank you, Madam President.

On behalf of Senator Montgomery, I turn your attention to page 54, and offer the following amendments to Calendar Number 1097, and ask that it retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendment is received and the bill will retain its place on Third Reading Calendar.

Senator Skelos.

SENATOR SKELOS: Madam President, there is a privileged resolution at the desk by Senator Stachowski. May we please have it read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Stachowski, Legislative Resolution 1705, honoring the life and accomplishments of Albert J. Hausbeck, former member of the New York Assembly.

Whereas, it is the custom of this assembled body to mourn publicly the death of prominent citizens of the State of New York whose life work and civic endeavor served to enhance the reputation of the State; and

Whereas, Albert J. Hausbeck distinguished himself by his sincere dedication and substantial contribution to the welfare of his community. Albert J.

Hausbeck's spirit of humanity, of devotion to the good of all carried over into all fields of enterprise, including charitable and philanthropic work. Albert J. Hausbeck, 85, of Cheektowaga, a former State Assemblyman, died Tuesday, March 30, 1999, in Sister's Hospital after a three month illness. Until he became ill he was working part-time for the Erie County nutritional program calling on senior centers throughout the county; and

Whereas, "He was always working or doing a project," his wife of 59 years, the former Rita Ross said. Born in Buffalo, he was a graduate of Masten Park High School. The represented the 144th Assembly District from 1960 to 1974. Albert J. Hausbeck often was prone to remind listeners that he had sponsored 81 bills that became State law during his tenure. He would say he was proud of his successful work to make Buffalo's board of education an elected body rather than an appointed one. During his tenure as an Assemblyman he lived in Buffalo. After he left the Albany post he was appointed to the board of the Western Regional Off Track

Betting Corporation in 1978; and

Whereas, Albert J. Hausbeck had a varied business career; he was general manager and vice president of Central Park Plaza; he was a grocery store manager and merchandise manager for Statler's Department Store, head buyer for the Flickinger chain stores and an agent for a building contractor. Before he was elected to the Assembly he was supervisor of recreation for the elderly for the City of Buffalo and was a strong force for the opening of the City's first four centers for the elderly. Prior to that he had been a railroad employee. He proudly continued his membership in the Local 668 of the Brotherhood of Locomotive Firemen and Engineers. He also belonged to the Association of State, County and Municipal Employees, Local 264. In recent years he was an active member of the German American Federation and served on it board; and

Whereas, in addition to his wife he is survived by a daughter, Patricia A. Schreier of Buffalo; a son, Joseph J. of Williamsville; a sister, Fayrda Fredriksen of

Santa Ana, California; and five grandchildren; now therefore be it

Resolved that this Legislative Body pause it its deliberations to honor the life and accomplishments of Albert J. Hausbeck, former member of the New York State Assembly; and be it further

Resolved that a copy of this Resolution, suitably engrossed, be transmitted to his wife, Rita Hausbeck.

THE PRESIDENT: Senator Stachowski.

SENATOR STACHOWSKI: Madam President, I would just like to rise to say a few words about Mr. Hausbeck besides obviously his accomplishments that were mentioned in the resolution I think most of us that got to know Al in the Buffalo area were just happier that we were his friend.

He was a wonderful man. He did a lot of great things as was read in the resolution as a official and even in his retirement he stayed active in the political process as an active member of the Conservative Party. And it wouldn't be

unusual when Conservatives came up that we would come out of the chamber and there would be Al waiting to talk to the western New Yorkers.

He was an active man. He accomplished a lot of great things and I think for that reason I am very proud to have sponsored this resolution and I open it up to anybody on floor that wants to be a cosponsor and I would just like to point out that Mr. Hausbeck's family is in the gallery and I am glad that we had this opportunity to honor him publicly on the floor with them present to hear it.

Thank you.

THE PRESIDENT: Senator Maltese.

SENATOR MALTESE: Madam President, Al Hausbeck was a good and close friend. I think the fact that he was active until the very last when this long illness ultimately took his life says something about him and his feeling for the community and his feeling for western New York and the State of New York.

I think too all of us in this

chamber should think of the fact that the years he served, 1960 to 1974, those 14 years were tumultuous years in the life of the State, and the fact that he personally had been the prime sponsor of 81 laws says something about Al and Western New York and the Legislature.

Al was, I suppose, and I say this as an attorney, part of a dying breed. Al was a business man. Al was a union member, as the resolution had indicated. He was very proud of being a union member and a railroad worker, but he was just as proud of having a background in community affairs and working with the elderly and owning a business and a store.

He was, as I say, part of dying breed in that he was a business man. He brought to the Legislature and to the Assembly that -- those varied influences, the background and experience that sometimes many of us who are attorneys do not bring.

Al remained active to the end as was indicated, but more than that, party did not mean that much to Al. I think what was

important to him was ideology. What was important to him was principal. He worked with Republicans, Democrats and Conservatives and the State of New York is poorer for his loss.

I second the resolution, Madam President.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: Madam President, it is a little hard to -- today is kind of tough with resolutions for both Al and for John.

I served with Albert Hausbeck in the Assembly from 1972 to 1974. Ironically I knew him long before that in part because he served with my father in the Assembly before me and Albert always reminded me of that and kind of I guess took me under his wing a little bit when I came to the Assembly because I think he felt a little bit responsible for me since he knew my father so well.

Albert Hausbeck was one of the most interesting men I believe I have ever met. He is a typical, I think, product of Buffalo politics and yet atypical in another way.

Everybody should understand, Buffalo politics was dominated from about 1910 to about 1940 by Germans. It was virtually all German dominated politics and Albert Hausbeck's relatives were involved. My grandfather who was treasurer of the City of Buffalo, who by the way never lived in Buffalo, always lived in Lancaster, but was still treasurer of the City of Buffalo for a number of years, was part of that group. But Albert was one of the people who was one of the real doers that got involved in the community in every aspect. The only person I know that in this order was Liberal, Democrat, Republican and Conservative. I am talking about party membership. A super gentleman. Somebody you could always rely on to tell you exactly what the truth was and somebody who frankly I had the most admiration for throughout my whole life and who helped me on many, many occasions when I needed help either with campaigns or with things that were going on in the community.

I will deeply miss him. He passed away by the way, just after John Daly passed

away and even though we had already printed the calendars as you know for the memorial service, we mentioned him in that memorial service and as is traditional we will mention him again next year because he wasn't part of the printed program, and actually died during the 1999 year.

Many people don't know about the memorial service outside the Legislature but it is something that has become a tradition and I mention that to the family because next year he will be once again remembered when we have the memorial service in May of next year.

To his family who I know very well, let me say to you we'll all miss him, those of us who knew him so well. He was an intricate part of Buffalo and western New York State and his legacy will live on and we know that right now he is looking down on us and probably wearing German apparel and dancing and watching us and we wish you the very best the family also and God bless you.

THE PRESIDENT: Senator Rath.

SENATOR RATH: Thank you, Madam President.

THE PRESIDENT: Your welcome.

SENATOR RATH: On behalf of the Federation of Societies that has not carried a lot of strength since a long time ago in the annals of the New York State Senate and the Assembly, the German American Federation of which Dale Volker's father was a charter member and my father-in-law, and Al Hausbeck were all charter members and I say that because there is a thread of the culture of western New York that was carried very carefully and for a long time by Assemblyman Hausbeck.

He was a good friend through many years of the society meetings, as they would be called and politically not being on one side or another as the society attempted to be, they gave everyone an opportunity to speak and to participate. And some of my fondest memories and my earliest memories of the political activities were of Al Hausbeck welcoming Governor Rockefeller and every other dignitary that could be found in the neighborhood of the next 20 or 30 miles to German American Day and of course Assembly

Hausbeck always appeared in his lederhosan and his hat with the gomspock [phonetic].

So they are happy memories for a happy warrior who spent a lot of time working in the political vineyard and the government vineyards making sure that everyone had a chance and an opportunity to speak and to be heard. He was a fine public servant and I would like to add my condolences and my best wishes to his family for the wonderful years that Al Hausbeck spent in public service.

THE PRESIDENT: Senator Maziarz.

SENATOR MAZIARZ: Thank you, very much, Madam President.

I too want to join with my colleagues from western New York in celebrating the life of Al Hausbeck and offering my condolences to his family that are with us here today.

I never served in this Legislature with Al Hausbeck, but soon after I was elected in 1995, one of the first calls that I received was from the former Assembly member and Senator Maltese was right, political parties meant nothing to Al Hausbeck. He was

just interested in good government and in getting positive legislation, positive legislation with a conservative bent I would say, Senator Maltese, passed through the Assembly and through the New York State Senate.

I again want to join on this resolution and offer not just my condolences but my profound thanks to the Hausbeck family for sharing Al with us for all these years.

Thank you, Madam President.

THE PRESIDENT: Senator Nanula.

SENATOR NANULA: Thank you, Madam President.

THE PRESIDENT: Your welcome.

SENATOR NANULA: I too want to rise to add input with respect to Al Hausbeck. Like Senator Maziarz, I was not here when Al was an Assemblyman, although like Senator Maziarz I got to know him after becoming a Senator and although politically we could not have been more different in terms of our affiliation, when it came to what was important to western New York, what was important to Buffalo and even to Niagara Falls

and Niagara County, we certainly shared the same interest and the same desire and the same intent. And again to add with respect to what everyone else has said here to Al's family, this business of public service is just that. It is service to the community, and often times that services comes at the expense of service and time and commitment to your family. So to you, the Hausbeck family, I want to add in in terms of saying thank you with respect to you lending Al to the cause and to the fight.

With that, again, my sincere condolences and other than that, thank you.

THE PRESIDENT: Are there any other members wishing to be heard on this resolution?

Senator Bruno, Senator Stachowski has asked that we open this resolution up for full sponsorship.

SENATOR BRUNO: Madam President, I would recommend that we do that and anyone that would like not to be on it, please advise the desk. Otherwise I would recommend that we put all the members here on that resolution

and thank the Senator.

While I am on my feet, can I just say a word to the family Al Hausbeck. I was on staff with Perry Duryea when Perry Duryea was the Speaker of the Assembly. And Al Hausbeck was in the Legislature at that time and I was new in the process and Al was such a committed dedicated individual and he always had a good word to say for everybody and it didn't make any difference if you were a member, a staff person, he just related as a gentleman, as a nice guy. And did such an outstanding job of representing his constituency, not just on behalf of the constituency but within the entire Assembly. So he was certainly a credit to his district and to his family.

Thank you, Madam President.

THE PRESIDENT: Any member who does not want to be a sponsor of this resolution, please notify the desk.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: I believe there is a privileged resolution at the desk by Senator Larkin. I would ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 1717, commending the Communities as Classrooms using Conservation Advisory Commission Program and Gold Award and Silver Award honorees on the occasion of the Learn and Serve America Reception in the Legislative Office Building on June 8, 1999.

THE PRESIDENT: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The resolution is

adopted.

Senator Bruno.

SENATOR BRUNO: Can we recognize Senator Mendez, Madam President?

THE PRESIDENT: Of course. Senator Mendez.

SENATOR MENDEZ: Thank you, Senator Bruno.

Madam President, I am most grateful to have the opportunity to welcome the representatives from the Children Arts and Science Workshops, Washington Heights. And some of the students are here with the Executive Director Morales. They are sitting by the gallery and these are organizations that does a lot of work on behalf of Dominican children in Washington Heights and I am most happy to see them here today.

Thank you, Madam President.

THE PRESIDENT: We welcome them to the Senate and extend them all of our courtesies and wish them a good day.

Thank you, Senator Mendez. Senator Bruno.

SENATOR BRUNO: Madam President,

I believe we have some visitors that are joining us in the chamber and when they get seated we will go on with our business here in the Senate.

Madam President, I believe that there is a privileged resolution at the desk by Senator Maziarz. I would ask that that resolution be read in its entirety and then move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Legislative Resolution by Senators Maziarz, Bruno, Volker and all members of the Senate, Number 1710, honoring the memory and celebrating the life of John B. Daly, former State Legislator and Transportation and Public Service Commissioner.

Whereas, this Legislative Body is moved to recognize and pay tribute to John B. Daly, a distinguished former colleague and dedicated public servant who passed away on April 3rd, 1999, at his home in Lewiston, New York; and

Whereas, John B. Daly was widely

known and highly respected as a true statesman, recognized as a man of vigor and determined purpose, he served the people and the State of New York in various capacities for nearly four decades; and

Whereas born the son of Irish immigrants in the Woodside area of Queens in New York City on April 29, 1929, John Daly was a graduate of Fordham University and also took graduate courses at the University of Iowa and Harvard Business School. John Daly served in the United States Army during the Korean War. Upon his discharge in 1955 he accepted a position with the Industrial Relations Division of the Kimberly-Clark Company and moved to western New York, where he made his home, raised his family and became a valued member of the community. In 1962, John Daly became Director of Public Relations and Manager for National Accounts for the Carborundum Company. He later founded and was Chief Executive Officer of Omni Office Products, now part of the Staples, Incorporated. Already active and recognized as a leader in his communities, in 1959 John

Daly was asked to run for the Niagara Falls City Council, the first of many successful elections, he served on that body from 1960 to 1964; and

Whereas, a member of the New York State Legislature for 22 years, John Daly served three terms in the Assembly representing the 138th Assembly District, part of Niagara County, before being elected to the Senate in 1978, serving the 61st Senate District, which includes parts of Niagara and Monroe Counties an all of Orleans County; and

Whereas, John Daly loved a good, honest, lively debate, he was debate coordinator in the Assembly and was acknowledged as one of the finest debaters who ever served in the New York State Senate. While in the Senate, John Daly served as chairman of the Senate Standing Committee on Housing and Community Development from 1980 to 1989, sponsoring several innovative laws to promote affordable housing, including the Affordable Home Ownership Program, the Housing Trust Fund and Special Needs Housing Programs; and

Whereas, John Daly also chaired the Senate Subcommittee on Toxic Substances and Chemical Waste and the Joint Legislative Commission on Toxic Substances and Hazardous Waste since its creation in 1984, he sponsored most of the major legislation over the next decade regarding the handling, disposing and cleaning up of hazardous waste and toxic substances. For 20 years John Daly served as a member of the Energy Committee in both the Assembly and the Senate. He sponsored a number of important bills, including the Energy Act of 1987, which, for the first time, allowed the distribution of low cost power generated upstate to downstate New York while maintaining a fair share for western New York. In 1995 he served as a member of the board of directors of the New York State Power Authority; and

Whereas, in 1990 John Daly was selected as chairman of the Senate Standing Committee on Corporations, Authorities and Commissions, which has oversite authority over many of the state's public benefit corporations. Among his many efforts to

improve New York's business climate, in 1994 he successfully spearheaded the effort to bring two new types of companies; limited liability companies and limited liability partnerships to New York State. He also promoted measures to reform the state's social welfare programs. From 1995 through 1997 John Daly served as Commissioner of the New York State Department of Transportation. In this position he oversaw the development and implementation of a $24 billion, 1995 through 2000 highway bridge and mass transit capital program and multi-year funding for buses, ports, rail and aviation facilities. This program provides for important investments in the state's infrastructure, which improved New York's transportation system and helped to spur increased economic development in the state. In February of 1997, John Daly was named Senior Advisor to the Governor for transportation issues, leading the successful effort to secure historic levels of funding for the state's bridges and highways under the Federal Transportation Equity Act for the 21st Century; and

Whereas, John Daly was named to the Public Service Commission in June of 1998, at the time of his death at age 69, he was Deputy Chairman of the Commission. An able leader and treasured mentor, John Daly, as an adjunct professor at both Niagara University and the State University of New York at Albany, lent his considerable expertise and talents as well to future public servants and policymakers. In 1989 Niagara University conferred an honorary Doctor of Laws degree on him and he was also selected by the Western New York Teacher's Association as the first recipient of the Friend of Education Award. John Daly lived life to it fullest. He was very proud of his Irish heritage. He always had a ready smile and a twinkle in his eye. He never backed away from tough issues. While he was tenacious in his pursuit of his position, he was also a willing listener, able to work bipartisanly to accomplish important goals, earning him the represent admiration and friendship of all those with whom he served and who worked for him; and

Whereas, John Daly is survived by

his wife of 46 years, Catherine; two sons, Martin and Robert, who in January of 1999 proudly took his seat in the New York State Assembly, a seat once held by his father; a daughter, Catherine; three brothers, Vincent, James, and Daniel; a sister, Joan Matthews; and four grandsons; now therefore be it

Resolved that this Legislative Body pause in its deliberations to honor the memory of friend and colleague John B. Daly and to celebrate his life as a man of honor, dedicated to the community he served so well and for so long and to the people of the State of New York; and be it further

Resolved, that a copy of this resolution, suitably engrossed be transmitted to the family of John B. Daly with the deepest condolences of this Legislative Body and the people of the State of New York.

THE PRESIDENT: Senator Maziarz.

SENATOR MAZIARZ: Thank you, very much, Madam President.

First of all, Madam President, on behalf of yourself and Senator Bruno I want to welcome Cathy Daly, wife of John Daly, Marty

Daly, Assemblyman Rob Daly and the number one Buffalo Sabers fan in all of New York State, John's daughter Katie.

Madam President, two days before he passed away when he knew his time was short John Daly and I had a conversation that I think I will remember the rest of my life. And I have to tell that you 99 percent of that conversation revolved around this institution. John Daly quite simply, as outlined in this resolution, did a lot of things during the course of his short life. But second only to his family he loved this place, this room, but mostly this institution more than anything else.

It was when he knew that the end was near all that he wanted to talk about. His son Marty collected a collage of different pictures of John throughout his life, and one I remember he pointed out to me was a picture in this chamber standing up debating a bill with Senator Maltese and Senator Cook looking intently on and he said he did not remember the purpose of that debate but it must have been something very interesting to get the

attention of Senator Maltese and Senator Cook.

John Daly was more than just a friend, he was a mentor to me. I remembered and we talked about the telephone call he made to me on December 27, of 1994 when he told me that he was going to be moving from here and over to the Department of Transportation and suggested very strongly that I might want to consider running for the New York State Senate. And he told me then as he told me on that Wednesday night, about all of the great things and the great people that he had come to know and come to love here in the Senate.

He talked about many of his friends that are in the gallery today. He talked about his staff people. He talked about the fishing trips with Steve Boggess and Abe Lachman. He talked about his colleagues here from across the state who although he didn't maybe agree with them in terms of politics or in terms of whether they were liberals or downstate or what interest they represented but how much he respected each and every individual because he knew how much all of the members here have worked to gain this

prestigious position in this most prestigious of bodies. I think about him particularly when I am driving from my home here to Albany. I have to tell you that one of the things that always impressed me about John Daly was that when he left the Senate and when I took that seat he never once called me to tell me that he thought I made a mistake here. He never once reached out to give me advise or to criticize me for any decision that I had made, even though many times I would call him up it was always me contacting him and he told me then that he was not going to be looking over my shoulder at me. It was a great favor from a great man.

I know that I miss him a great deal. Certainly not as much as his family. I know that conversation that night meant a great deal to me.

His son Marty commented when we were there in John's room that he was going to leave us alone so we could bash the liberals together. John laughed and I think that is the last thought I will always have of him laughing.

I am a better person because I knew John Daly. This institution is a better place because of all the years that John Daly served here. The people sitting in the gallery today, his friends, his good friends, he talked about you at the very end. He loved you all. He was sorry that he did not have an opportunity to say goodbye to everybody but he is here with us today. I know that he is because I feel his spirit often.

As I said, this is a better place because John Daly was here. We are all better people because we knew John Daly.

To his family I offer our sincere congratulations, not necessarily condolences but congratulations for a fine individual. You all have a great legacy to follow, as do all of us. And I thank you for being here today and we all thank you for lending John Daly to us for all too short a period of time.

Thank you, Madam President.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President.

We heard the resolution read. And

we have heard Senator Maziarz and you wonder how much more can be said. But a lot more can be said to John's family, to his friends and to his colleagues and there is not a person in this chamber that could not get up and talk about John, what he did, by the hour because he was a very special person. And Cathy, his wife, you know that. And to Marty and to Bob who follows in his footsteps in the Assembly and to Katie his daughter, you know he was special. We all knew he was special.

There are a lot of people in public service, but when you take a look at John Daly's commitment, you knew that there was sincerity there, there was dedication there. He wanted to do good and he did so much good that we can't really relate.

I remember a conversation we had, Senator Maziarz, that I had with John when the seat was going to be open and he talked about leaving. And he talked about leaving and it was very, very troubling for him to leave the Senate, but he had this opportunity to be of what he thought was of greater public service going to the Governor's Office to be his

Commissioner of Transportation.

After he made his decision and he told me about it when he first thought about it and he told me when he made his decision I was very, very troubled because John was a personal friend. He was a true believer in what was right for the people of this State and we communicated and conversed about almost every fiscal matter. Many times it was just the two of us together that were talking about, oh, and then the Governor, when the Governor was a Senator there were three of us that talked about some of the conservatism that was necessary in a budget. But when John was leaving he said, I said, naturally, John, who on earth is going to follow you, who can do the job? He said, there is one individual, George Maziarz. I said, who in earth is George Maziarz?

He said, I can tell you now he can win and when he wins he will stay there as long as he wants to stay there because no one will touch him, he is the hardest working individual in that county. And John was usually right.

But John spoke up. He don't mind being out front, making a choice, making a selection. Why? Because he thought he was doing what was best for his constituency and he was right. George has followed and has distinguished himself in his short career so far. But John was right in just so many things that he talked about and that he did and so I am standing here talking really not that I can add anything to the memory but to just say out loud what a special person John was, how much he meant to all you us here in the Senate, in state government, to just everyone. And George says that this institution is a better place because he has been here and he is so right. But this State, this entire State is so much better for John Daly having lived and having served the people of this State.

Thank you.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Madam President.

A little over seven years ago I got

the Republican nomination to run for this seat and I came to the Senate for the first time and went into the Republican caucus and met all the Senators in the Republican caucus and met John Daly and it was an instant friendship. John almost took me solely under his wing when I started running for that office. Any time I had a question, any information I needed, he would come to Syracuse and help me out in any way he could. And he taught me about the Senate.

So when I won the seat there was no question in my mind that the only person that I would ever consider having swearing me in this body was John Daly. And he was standing in the place that the president is standing today, swore me in, my whole family and relatives were here. It was the proudest day of my life and he made this ceremony so special and I will never forget it as long as I live.

He was always positive and often times being a public servant it is difficult to be positive all the time. He always was. He always had a smile on his face. Even when

he was ill and when I visited him here in Albany at the hospital, always knowing that he was going to beat the problem, always knowing that he would be back working in the public services he loved.

There was a man that I truly loved and I think he loved me and everyone in this body. And the best compliment I can give to anybody and I give to John Daly is he was a good man.

Thank you, John, for being a part of us.

THE PRESIDENT: Senator Waldon.

SENATOR WALDON: Thank you, very much, Madam President.

To Mrs. Daly, to the family, I am privileged to rise to second the resolution submitted by Senator George Maziarz for our consideration.

I got to know John Daly rather well. We discussed a lot of things. We discussed the fact that we both served in the Army. We discussed the fact that he went to Regis High School where Walter Bradshaw, one of my dearest friends, went. And that he

played a lot of sports. Some of us jest with each other, DeFrancisco and I and Masiello when he was here and even David Paterson sometimes considers himself to have been an athlete. But John was truly an athlete. A great basketball player and a heck of a baseball player, and we talked about those things.

I liked very much the opportunity to work with him. It is rare in this place, maybe not that rare, that one on this side of the aisle can have such a good working relationship with someone on the other side of the aisle. We held joint hearings together and accomplished some good things for the area that I represent because John recognized that to further the cause of the people of South East Queens, I needed his cooperation and he gave that very willingly.

I remember another thing about him, and that is Saratoga. Those of you who have an appreciation for the galloping horses on a flat track can understand the appreciation that I did for John Daly. Each summer Barbara, my wife, and I would repair to

Saratoga and sit in his box. And as you can tell, we were not very lucky in terms of our bets because I drive an old Honda and still scurry back and forth to New York City in that. But we had a lot of fun together and spent some quality time together.

We discussed serious issues. We discussed race relations. We discussed what this place is all about. We discussed why laws should be made and sensitive to all of the people of the State of New York.

I found John, those nights when I would stop by his home, to just discuss things, an extremely invigorating person to have a conversation with. He was sharp. He was able to parry and thrust in terms of the repartee, and I loved that. I liked the opportunity to be able to share and exchange with someone who was witty and bright and committed to this institution.

And by George was right when he said that he loved this place. This a special place. Each of us brings our light here, our creativity here. All that we are when we arrive effects this place. And each of us

adds to the total package that this institution, the Senate, is. But some of us add even more than others and I think that John was one of those.

I will always remember the friendship that we had and time that we spent together. It is a warm memory for me now. It is a sad memory that he is no longer with us, but I know that each of us is better for the fact that we knew John Daly. He was such a friend of mine that I don't just call him friend, I call John Daly my buddy.

Thank you, Madam President.

THE PRESIDENT: Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

I remember back to my earlier years in this chamber and I used to like to debate a lot, a lot more than I do now. And I always relish those occasions when I could take the floor against John Daly. We had some very good debates. He was sincere in his positions. He was absolutely a master at debate. And what he liked to do to me was challenge my memory of Latin studies because

he would often interject Latin phrases and I would attempt to come back not as well as he could do it.

Off the floor after some pretty heated debates where we would each show a little bit of our Irish temperament, I remember other members looking, as we would leave the floor somewhat together like, Gee, are they going outside to settle it. In fact we would always go outside and pat each other on the back and talk about personal things, friends things. That's the way John was. He was a colleague that was a delight to serve with. He had an incredible intellect, incredible compassion and incredible desire to serve the people, and he did it so very, very well.

On a personal level, I miss him. I shall miss him for a long time. I enjoyed serving with him and I enjoyed thoroughly being his friend and colleague.

Thank you, Madam President.

THE PRESIDENT: Senator Alesi.

SENATOR ALESI: Thank you, Madam President.

If you think about John Daly you can't help but think about how much you miss him if you knew him at all.

I knew John Daly as the senior Senator representing the western portion of Monroe County when I served in the Assembly. And aside from knowing him as just a great friendly guy the things I remember about him was how helpful he was to me.

When I was in the Assembly, Senator Daly would call me and he would ask me if there was anything I needed. That's the kind of thoughtful and helpful person he was. And he was very happy to hear that I was moving over to this house and he was so supportive of that effort as well.

He was always so helpful in everything that he did in his personal relationship with me and as we got to know each other he asked me where I lived and in the Rochester area I told him East Rochester, which is a small village, a very heavily Italian American village. And he said to me you must know the Italian game mura [phonetic]. I said of course I know that, but

how would you know that being as Irish as you are. And he explained to me his relationship with some of his Italian American friends and then he challenged me to what became a never ending succession of games and a never ending succession of winning games I might add for him.

For those who do not know, it is a game where you hold your hand behind your back and you throw your hand into the air and as you are both doing it simultaneously you try to guess the number of fingers that the total would be. And I always accused Irish John Daly of not playing fairly because he would always linger just a split second to see how many of my fingers I would throw into the air and doing that he would always guess correctly.

I remember going to see him and in fact any time I would see him coming down the halls here I knew I would have to get ready for this because he would not let me pass without playing this game and I would be facing certain defeat. But I loved it, and I loved it so much because you can see that

twinkle in his eye, that twinkle that was always there. He had great anticipation I think at the thought of that little sport.

When Senator Maziarz, and we all know who Senator Maziarz is because he has grown to be one of my great friends in this institution as a result of John's moving up, when Senator Maziarz said to me a little over a year ago that he was going up to visit John in the hospital I went with him. John Daly wasn't in the best of spirits but nevertheless when I walked in the door I saw that twinkle in his eye and as he said hello I could see that he moved over and the first thing he did was throw his hands up in the air and naturally he won again. And he gave me one parting shot as we were leaving and I said, See you later, and he said, Hey, Alesi, and I turned around and yet again he threw his hand in the air and yet again he beat me.

And it wasn't too long after that he was up and around and I remember one of the most pleasant nights I have had here and that was one of those nights that was simplified by the short amount of time we had for dinner, so

we had just run down to Bongiorno's and it was Senator Skelos and I and Senator Maziarz at table for four and we are not too far into dinner before John Daly walked in and just as if God had written the script, he filled that fourth seat and he filled that evening like nobody else could fill it and that is one of the most pleasant memories of my seven years here in Albany, in fact one of my most pleasant memories in my life time of knowing people.

And as I said in the beginning, if you knew John Daly you could not help but miss him. And whenever you hear someone use that phrase, the twinkle in his eye, you can't help but think of John Daly.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

As I rise to speak about John Daly, who was my Irish buddy, I am moved between sadness and tremendous happiness because whenever I was around John it was always laughter and smiles and fun and that sort of thing.

The Irish legislators will never be the same without John Daly with his playing of the spoons and getting together the Irish choir and singing. He was really if you will, in the staff that are with us in the gallery, I still remember the parties he always had on St. Patrick's week, which he seemed to celebrate for the whole week.

I want to just bear down on something that nobody has really mentioned. John Daly was truly a scholar. A brilliant, brilliant guy. A friend of mine from Schenectady went to high school with him and he said he was the brightest student that he has ever seen or heard of. And John was a brilliant, brilliant Senator. Everything he did he did well, from being an Assemblyman to a Senator, and I think he enjoyed this house as the pinnacle of his career, but as a Transportation Commissioner he was outstanding and anybody that was in the Legislature could immediately contact him and get results.

You know something else he did at the very end of his career was ISTEA. The millions and millions and millions of dollars

that he really saved for New York, the job that he had in Washington was absolutely Herculean. He was an outstanding public servant, and how proud he was of his son Rob as he went to the Assembly and I talked to John quite a bit during the last few days. He gave me a contract which I was able to fulfill and, you know, he had a tough death and I think tomorrow we are going to have something for prostate cancer, which has been a plaque among a lot of males and you know John, he took that in stride and went along with it, but you know, again, we are all going to miss him terribly. I think when anybody remembers John Daly and I think you can hear it from his colleagues you remember him with a smile, remember him being willing to help everybody. It did not matter what party you were. It didn't matter how well he knew you. If you asked him for something he was there and he was there in a hurry.

John Daly was a great guy and a great Senator and a great New Yorker and we are going to miss him.

My deepest sympathy to his wife,

Cathy, to Marty and to his daughter Kate and of course to our colleague in the Assembly, Rob.

THE PRESIDENT: Senator Maltese.

SENATOR MALTESE: Madam President, many things have been said today and many of us are trying to touch on various aspects of John's personality, his winning personality, as he would be the first to say, his winning Irish personality and some of the things that he did, the very, very impressive things he did for his community and for the State of New York.

John, as many of you know, was a seat mate of mine and as Senator Maziarz observed the picture that John has commented on had Senator Cook and myself looking up at John. And that I think is a good portrayal. Many of us in the Senate side looked up to John. Many of us as friends and contemporaries and colleagues looked up to John. Though there was only a few years between us, John was also my mentor.

John was very, very quick to help and never quick to intrude. He referred back

many, many times to his roots in Woodside, Queens that he was a Queens County Irish boy and Woodside is still an Irish American Community.

John has, as Senator Alesi said, a twinkle in his eye. He best exemplified so many of the sterling qualities of Irish Americans and Irish, the people that we know and are friendly with. I too bemoan the fact that the Irish legislators no longer have him in their midst.

John had a great sense of humor. He always took care to have his desk well stocked with candy for those of us with a sweet tooth on this side. But he was a sweetheart, a real sweetheart.

I want to also comment on his debating skills because sitting next to him he would spread papers out across the desk. He had the most methodical approach to debates and he would rarely look at the notes but at the same time cover all aspects of the debate. I think he was, indeed, one of the great orators of the State Senate, and as a friend, as a colleague, as a person who really cared

for the traditions of the Senate, he will be sorely missed by all of us, but well remembered by all.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: Madam President, it is really sad to observe these things but those -- I believe Senator Maziarz put it best, everyone who had an opportunity or shared time with him came out enriched. He was absolutely right.

Senator Waldon and Senator Connor also pointed out his New York origin and the fact that he went to Regis High School and it was interesting to note that Regis is and was a school that, it is easier to be admitted into West Point, Annapolis or the Air Force Academy than it is to be admitted to Regis. And then Senator Farley told me that among his classmates he was considered the most brilliant by those who were his peers, the most brilliant student that ever went there.

I profess to be an old buff of Ireland, magnificent island that it is, certainly refreshed by the wonderful works of John Cahill of how the Irish saved

civilization, its literature, its cultural and its spiritual bent and so many of these factors.

All of these aspects were present in John. And John was a Kerryman. I do not know how many Irishmen know what a Kerryman is, but his cousin Kevin in Staten Island who still lives there and has done very well in life, there is a book on Kerryman and people like Moynihan and Mike Quill and major figures in almost every calling have made a tremendous mark on the life of the people of the state and nation that we live in.

About his knowledge, I was chairman of Finance for 16 years and I remember the most fierce debates always came out of most perceptive, analytical, intelligent and probing questions came from just about there, right next to where Senator Rath is sitting, from John Daly. And he was very, very, very direct, very intelligent. And after you had a debate it was a very useful exchange. These were experiences that you treasure and put aside for future reference because he was that good.

Beyond that, his own family, this guy was very close. His family was very close to John Hume. John Hume, those of you who are not familiar with him was one of the major statesmen of Europe and has played a major role in the development of accord and the resolution of the conflict that exists in Ireland north and south. But he is a giant of a figure, a giant moral figure, a giant of history and people and with all the fine qualities that go with an individual who is an active proponent of positive resolutions of differences that can often divide people, but also the ability to bring them back together again.

So I know John Daly is up there smiling at us. He can see us. He knows all about us. And it must give him pleasure to know that he is remembered with so much love and affection and that his family has that. And so we extend our thanks to that family for sharing him with us because as Senator Maziarz properly began, he enriched each and every one of us who had occasion to know him and it is a patrimony and a patronage that is going to

live on.

He was not just a member of the Senate, he was an institutional factor in raising our sites and enabling us to reach out for even higher goals and higher objectives.

THE PRESIDENT: Senator Nanula.

SENATOR NANULA: Thank you, Madam President.

As Senator Marchi just said, we often in measuring ones life, in addition to looking at the accomplishments during that life also look at the legacy of what that person leaves behind. And clearly, and it has been stated by so many people today, John Daly leaves behind a great legacy. Not only with respect to this family, his great wife Cathy and his children Marty, and our colleague now Rob, and his daughter Katie, but also the effect again that was stated here that he has had on the body of the Senate, the Legislature, and on individuals.

Senator Maziarz was so eloquent in commenting on the impact that John Daly had on his life and I wanted to very briefly comment on the impact that John Daly had on my life.

And I stood up before, commenting on John Daly's impact on my life with respect to us nominating him for the DOT commissioner position and when he went on the Public Service Commission, so for those of you who heard this already before, I apologize. This is really for the benefit of his family. And maybe Mrs. Daly, you will remember these days. Years ago, in fact, when I was in high school, Senator Daly had a program for high school students that were interns in the Niagara County Legislature. He would select one student from each of those high schools to come here to Albany and to serve in a three day mock legislative session, and I was the candidate from Niagara Wheatfield High School. That was in 1984. I came here for that three day session and on Sunday, the day we drove down, we had dinner with the Senator and on Monday we came to the gallery and we actually saw the Senate in session and, Madam President, where you are sitting was John Daly, my Senator. And boy was I ever proud to see my Senator presiding over this body. And that attention and that program, which by the

way, wasn't funded by the State, wasn't funded by the Senate. It was funded by a collection of private citizens and businesses in Niagara County that John went out and solicited to put that program together. That program, I don't know how long it existed for, but it probably took dozens and dozens of kids through this process. And I will tell you, on the ride back four days later, I knew that I would never be the same. I didn't at that time know how that experience would affect me, but ironically enough, ten years later I walked into this chamber as a member. And I know in my heart that if it was not for that experience I would not have gotten involved in politics. Some people probably wish I never went through that experience because I wouldn't be here today, but for me I will always remember John for having the leadership and commitment to that program because he cared about young people.

And that commitment to me personally extended to the time that I came here. I can remember walking in here and, quite frankly, being overwhelmingly

intimidated. Having really no knowledge or experience of what the legislative process was about and looking over and seeing John Daly after I found my seat and his smiling face and as so many people have commented, that twinkle in his eye gave me a sense of great comfort and really made me feel as though everything was going to be okay. And, you know, John didn't need to do that, that is for sure. He sat on the other side of the aisle. And you know, the day after my primary that year, which was a very contentious race, I received a call from John. John told me he was proud of me and he knew I would win. I don't know if he knew I would win. I didn't know I was going to win. But he also told me everything was going to be okay and he was looking forward to serving with me in the following year. And you know, I will tell you something, in all the years now that I have been elected, that was the best phone call of the day for me. And again, John didn't have to do that. He did that just because of the kind of person he is; kind and decent, a really statesman like individual.

And really those are the words for me. I was sitting here thinking of what I wanted to say before I stood up, and I didn't know John really as a colleague. I knew him as Senator Daly. And the words that come to me when I think of Senator Daly are respect, statesman, professional, leader. For me a mentor. For so many of us here a mentor. And just a good human being.

Just in closing, because I was only here for about a year, and then John was nominated to become commissioner of the DOT, and I was a freshman that really didn't get up and make an impact on the floor, certainly my freshman year, and quite frankly, I don't get up on the floor that much in general. But when I do stand up I usually stand up because I believe strongly in what I am going to say and I say it from the heart. I believe it was the death penalty bill, it was in 1995, right before John left, and I stood up an I was profoundly opposed to the death penalty, and I was for very personal reasons, and I was speaking passionately about my conviction. And of course John had a very different

opinion and I will never forget looking over and seeing his finger go up and thinking about that passion turning into fear in that John might be standing up to throw a question or two at me or to challenge what I was saying. And then I saw him wave the finger and then think twice and put his hand down and that fear went to relief because he wasn't going to be standing up.

And I will tell you, and so many others can comment better than me, the impact that John has had on this floor in terms of the debates, on this state in terms of his commitment, on western New York, on Niagara Falls, is immeasurable, and he will truly, truly be missed by the State, by this Legislature and by me personally.

Thank you, Madam President.

THE PRESIDENT: Senator Rath.

SENATOR RATH: Thank you, Madam President.

When John Daly's Irish eyes were smiling. Were there many times that they weren't? As we have stood here one after the other, his colleagues and of course his

family, Cathy and Kate, Rob and Marty, his co-workers, and so many of you are there. And I wouldn't call them staff or lobbyists because John would have thought of you as laboring in the fields right along side of him as he was moving forward in his various quests that have been brought to light here today. And George Maziarz said so clearly, his last thought of John was of John laughing.

John's desk is now Senator Leibell's desk. I have been hopefully moving this way to some extent. Never did get a chance to sit next to John and see if I could rub off any of those debating skills. I never quite got there.

But of course he was my neighbor from the 60th in the 61st district. And through the wake and through the funeral and in conversations with so many people about John, something has been repeated here that I think is one of the kindest things anyone could say, and it was that John took people under his wing. Well he took me under his wing when Senator Sheffer resigned and I ran for this seat, John took me under his wing.

Kate, you will remember that very clearly. You were there helping John take me under his wing and I will be eternally grateful for that.

And when John's Irish heart was happy all the world seemed bright and gay, and indeed it was. From the smile on his face to the collegial nature of the debate that he carried on in this chamber. Senator Connor spoke about his debating skills. Senator Marchi spoke about John Daly's intellect. And his commitment without being overly confrontational and how when he would leave the chamber the person he had had the best debate with was the person he wanted to shake hands with and say, You did a good job, you challenged my mind, you challenged my points. I challenged you. We came out somewhere on a vote at the end, but it was with respect and it was honors.

And I would say to you, one of the biggest issues that ever came through New York State was John Daly's issue. And it has not been characterized here just that way, but I remember it clearly and so will everyone whose

ever had anything do with Niagara Falls. It was the Love Canal. And it was characterized here as his service on the Hazardous Waste Committee and the Toxic Substance Committees and the clean up. What could have been more dramatic in this state and in this country than the beginning of the first time we knew what was buried in a place that had a lot of chemical activity and now was going to have to have remediation. I think there are people in this chamber today who would be thinking about the superfund and the things that have come and become because of John Daly's work on one of the most serious national issues that ever hit the political floor.

And, yes, John when your Irish eyes were smiling, let me say, in closing that you have completely and always stole our hearts away.

THE PRESIDENT: Senator Seward.

SENATOR SEWARD: Thank you, Madam President.

I certainly feel honored to stand in this chamber today to pay homage to our trusted friend and very respected colleague,

John Daly.

To me John Daly personified the very best in public service. He worked tirelessly for the people in his district when he was a Senator and an Assemblyman, and also for the people throughout this state in the statewide offices that he filled after he left this chamber.

John as was mentioned by others, was an intelligent man, no question about that. He was also very passionate about the issues he was concerned about. John Daly never backed away from a fight. In fact, I think he rather enjoyed the fight. That was part of it. And that is why John Daly tackled the tough issues. Just think about it; housing, a very contentious issue many times, hazardous waste, toxic waste issues, tough, tough issues, controversial. And of course many of the energy issues.

I learned that the first committee meeting that I conducted as a new Senator and as the new chairman of the Senate Energy Committee, the very first meeting we had a tough bill on that agenda that had been

negotiated in the closing days of 1986. It was on our first agenda in 1987, and it was mentioned in the resolution, the Energy Act of 1987. And I remember that meeting, my very first meeting I was conducting very, very well. We had some downstate Senators on one side of that issue and John Daly on the other and they battled it out at the committee meeting, but I can tell you, John Daly and the Energy Act of 1987 won out in the end as he so often did on the issues that he was advocating for.

And I was so pleased that John, in his closing years of his career, was able to emerse himself fully in energy issues, as a trustee of the Power Authority and of course as a member of the Public Service Commission, in fact, the deputy chair of that commission. He was so interested in the energy issues.

I will never forget John Daly during his service as our Commissioner of the Department of Transportation, I know many other members of this chamber could relate the same story that I can. John Daly was so helpful to me personally in my district on

transportation issues. He pulled more projects out of the fire for me than I can name here today. He did it as a friend, but also as a fellow public servant working on behalf of the people of this state.

And when John, at the Governor's request, turned his attention to Washington and saving the ISTEA money for New York State, I have to believe that those officials in Washington didn't know what hit them when we sent John Daly down to Washington to collect funds for New York State. He did an astronomical job and he delivered for this Governor. He delivered for the people of this state.

When I think of John Daly I would describe him as a Renaissance man. He was so well rounded. He could discuss any topic very, very well. Obviously a man of great intellect, very well read. He could quote Latin and several other languages. It just came off his tongue very, very easily.

He appreciated the arts. He was a great a patron of the arts and loved to participate in those types of activities.

Also as has been mentioned by others, he enjoyed Saratoga and the track and I spent some very enjoyable afternoons sharing his box that he always got for a week or so in August and those were great afternoons spent with John.

I simply want to say to John's family that I extend personally my sympathy to you. We join you in mourning John's loss, and to his staff and many associates and friends who are joining us here today, I also join you in missing John Daly, a true friend and respected colleague.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: Madam President, there has been a lot said here today. There is no question about John Daly, and let me just take maybe a little of my colleague and say, first of all, there is no question in my mind that John Daly is in heaven and he is looking down on us today and he is smiling and he is listening. Not that John was perfect. There is an old saying, show me an perfect Irishman and I will show you an Irish pope. There never has been an Irish pope. I just

point that out to you. By the way, that is a John Daly joke. Excuse me, but I felt that I had to say that.

John and I came to the Assembly together in 1972. We were both elected in double primaries. I always said he was the obstreperous one. He came from the outside, I came from the inside. In other words, I at least got nominated. He didn't get nominated.

We served together in the Assembly. We were very close. When he moved over to the Senate there was a period when I represented three districts in western New York, and if you know the story that is because two Senators at the time for one reason or another were not able to serve and the tradition is that the next senior Senator takes over those districts and I, of course, went to Niagara Falls a great deal while John, in fact, was running at the time for the Senate and tried to help out. We remained very, very close. In fact I was telling some friends of mine the other night the first time that I had been in Bongiorno's Restaurant since John's death was just the other night because I couldn't quite

bring myself to go there. It was a favorite place of John's and mine and many of his friends.

John Daly not only was a friend, as has been said here, he was certainly a great man. But he was also a friend to so many. And I see and I thank on behalf of the Senate to Brad Race and Bob King who are here today, the budget director and the Governor's right hand person, and they are here I think as much out of friendship as anything. You know, I happen to know and I think many do that the Governor called John on a number of occasions and in Niagara Falls when he died and of course was gracious enough to come speak at his funeral and I thought his eulogy was one of the finest that I have ever heard.

I was fortunate enough to be one of the last people to sit with John. George talked about his conversation with John and I had an extended conversation also and he also told me about his friends. And his son, Marty, said to me one of the things he did over the last several weeks was to make peace with everybody and he said in a typical Irish

fashion, that meant a number of people because there was always disagreement. John and I used to fight like the devil over nonsensical things because it was just in the nature of things I think sometimes, but we always laughed over those kinds of things because we realized that it was, I guess, in our nature and in his nature.

When John came to the Senate I was extremely happy although I will tell one quick little story. He was here in the Senate for about four months and he had debated just about every day and he sat I believe about where Pat McGee was at the time and Warren Anderson motioned me over and said, Would you go over and whisper something in John Daly's ear. So I went over to John and he was on his feet debating and I went up to him and I said, the Majority leader wants me to tell you that you are now a Majority member of the Senate. You don't have to debate like you did in the Assembly. And he looked like that and he said, I guess the Majority leader was trying to tell me something, because you have to realize, over in the Assembly where he was in

the minority he was the chief debater virtually every day. So he got over to the Senate here and he had a little bit of trouble adjusting because he did not quite realize, which was classic John Daly by the way because I used to have a saying that he repeated to me, as he went to Washington, after the Governor appointed him for the ISTEA situation, he called me and he said, Dale, I'm going to war again. Because I always had a thing about John, I'd say, there you go, you're going to war again, whether it is Long Island he is going to war with or he is going to war with the SUNY people or whatever it was he was going to war with for one reason or another, that was a saying we had.

And let me tell you, it has been said here already and I'm just going to say it very quickly, the people from Washington I know who were in Congress and from other states and staff people said to me, who is that guy Daly? He took a situation, and I don't think the people of this state really realize, he took a situation that looked so dim for New York, we could have lost literally

billions of dollars and he reorganized the whole thing. And while he was doing it by the way he became ill and had some tough times. I know very well because he called me on a number of occasions and told me of the pain and the suffering he was going threw. But he persisted and this state as has already been said, but I really don't think there is an understanding really of the enormous job that was done there by John.

Finally, let me say Cathy and Katie, Marty and Rob, it has already been said, but I just want to say it again, that obviously you were the people who were most important in his life. Katie, who I spent a lot of time with at Saber's games over the years, Rob, who he was so immensely proud of and wanted so much to get to the Assembly, I could only think about the fact that when my father passed away they had a resolution for him and someone got up and said the proudest day of Julie Volker's life was when he was elected to the Senate. Jim McFarland, who was there then, said no, no, the proudest day of his father's life was when Dale was elected to

the Assembly. Because my father, his life was with the Assembly.

Your father was as much attached in many ways with the Assembly as he was the Senate in his early days. But institutionally he because a part of this house so much so that I doubt that anybody in our generation will be equated as much as John Daly was. He also will be equated certainly with the Governor's operations there is no question because he was a major part of that operation. But he will also always be a part of the Assembly that you are part of.

I guess I can only finish by saying that I will miss him immensely, as I already have, but I know that he has already preceded me into heaven and someday when my time comes I hope he can help me get there too.

Thank you.

ACTING PRESIDENT KUHL: Senator LaValle.

SENATOR LAVALLE: It is very obvious that certainly John Daly touched our lives in a very significant way. But I know that John was touched and effected by serving in this

body. While he has served this State in many capacities, I think if he were here today he would tell us that it was his service in the Senate that was very meaningful for him.

As has been said, John was a man of great intellect and wit and used that in serving the people of the 61st Senate District. He used that along with his great knowledge of philosophy and the great readings that he had in so many areas as has been mentioned.

John was chairman of the Housing Committee and I believe he was given that chairmanship at the time because housing issues were really bubbling and percolating here in the Legislature. And John was the person that could get up, study the issues, and debate the issues. And some of you who served here at the time will recall with galleries that where over flowing and not particularly on Senator Daly's side, but he certainly carried forth his point quite well.

John, as I have mentioned before on this floor, was a friend. I sometimes wondered in the earlier part of our friendship

what was going on because in our conferences John and I would have intense debates on education and energy matters. It went to what Senator Volker called war. And Senator Volker would always tell me, Ken, John really likes you. And I would turn to Senator Volker and say, I was just through a war. How could that be? But indeed, John could, after that debate, call you up and say, How about going out for dinner.

But John was the matchmaker. He was the person that really brought my wife and I together. We was the matchmaker, stayed with it, was persistent. He saw something immediately that took me a number of years to see. And probably was the finest and best thing that ever happened in my life, marrying my wife. And John and Senator Volker were the only two members that where at the wedding to celebrate that occasion.

Our relationship after that was wonderful until Senator Daly became Commissioner Daly, and John and I got into one of our debates over an issue that was very, very important to me dealing with the Village

of Port Jefferson.

The Village of Port Jefferson is a village of 7,000 people and about this time of year it becomes very, very congested and it is difficult for pedestrians to cross the street without the threat of their life. And so it was suggested to me that we put some sort of pedestrian control devices in the middle of the street, so that cars would stop, allowing pedestrians the right of way. John and I had -- John had been counseled by his people that this was not an appropriate way of controlling pedestrian traffic. And I insisted that it was tried and true method on roads other than state roads, and the debate went on until one day in Senator Volker's office there was a cone, and I think, Ah ha, I think we have to break this tension and so I took the cone and with Senator Volker's help we took and went to John Daly's apartment and we knew he was not there because we saw him walking on the street in the opposite direction, and I placed the cone at his door step and attached to it a copy of a bill that bore my name on it, LaValle, on the cone. And John proceeded to

giggle, and I wish I had the letter that he wrote to me. Only John Daly, with great wit, could counter that impish act that I played on him by a letter saying that a lawsuit might be pursued because I had trespassed on his very property. And it went on and on in a very jocular way.

It certainly did break the ice and two friends got back together again and began to discussion the issue and ultimately resolve the issue.

Cathy, I must tell you that just a week and a half ago on the streets of Port Jefferson I had John in my mind because I passed the very street corner that he and I stood on when John came down as Commissioner to see first hand what this debate was all about. And that's the kind of person he was. He was a very engaging, very loyal person.

There is one thing that has not been mentioned here, is that John really was a teacher. Teacher not only with the members but with his own staff and other members of the staff. He loved staff members. He loved to be their mentor and that's why John Daly

has such loyalty of his staff and why so many are here today to hear these remarks.

John Daly will be missed. John Daly, Senator John Daly, will have left a mark on this house and this State.

Thank you, Madam President.

THE PRESIDENT: Senator Goodman.

SENATOR GOODMAN: Madam President, members of John's family, I remember the day that John first came into this chamber, I happen to have preceded him here by several years, and it was almost as though a schwepervesent beverage had been added to a rather staid institution. The bubbly wonderful guy who some how managed to briming over at all times with an enthusiasm that was exceptional and unusual.

As the year rolled by it was quite evident that John was much more that just an enthusiast for the legislative process, he developed characteristics which can only be described as statesman.

I should tell you that I recall one occasion in which I went to Niagara Falls and happened to mention to John that I was up

there to give a speech. Low and behold, at the airport I was met by a deputy sheriff who, with siren blazing, drove me from the airport to my hotel, said Senator Daly sends his compliments and thought you might like to be able to get through the evening traffic in a hurry and felt it important that you move quickly. Well, this is very characteristic of John. He didn't have a siren mounted on his lapel, but everywhere he went he went double time and with tremendous thrust and energy.

I remember another occasion on which the fates had destined us to be in opposing camps. I was a staunch tenant advocate and remain so to this day and John, as the Chairman of the Housing Committee, was called upon to present the administrations point of view with regard to various tenant protection measures. To put it mildly, we found ourselves in a position of conflict and nonetheless when all of this was over, as has been commented on several times, John had the ecumenical sensitivity to realize that these issues, which inspired great and vigorous debate on the floor of the Senate, in no way

ever interfered with the friendship of the contestants. And there was never any issue that divided us in a manner that would have carried outside the chamber at the close of business and we remained fast friends throughout.

Let me say also I have an image of John preparing hot dogs at the annual invitation he would extend to members to join him and a couple of his colleagues for a cookout at their apartment. You would arrive at his home and he would greet you as though you were the only guest in the world and he would ask you exactly to what precise temperature you would like your hot dog prepared and he would preside over the preparation of that unique delicacy so that it was more delicious than any other hot dog you ever ate in your life.

John also shows his remarkable paternal instincts when, toward the end of this life, he assisted his son in his campaign for the Assembly. I remember meeting John at a destination on the East Side of Manhattan by the East River and standing out on a platform

by the water with his son and some guests discussing what seemed to him at that point to be the most important thing in his life, which was the fact that he had a son who might succeed him in the legislative process. I dare say that that hope of his will some day be realized and the enthusiasm with which he pursued this and sought to have his son follow in his footsteps is something which could make any father proud.

John was a man who had his eyes on the stars and his feet on the ground. He combined great statesmanship with enormous personal consideration and in those characteristics I think we have the finest traditions of the Senate embodied. May I just say that this is a unique institution in which at its very best we find that we form fast friendships which reach far across the aisle to the other side in any situation in which we find ourselves actually understanding the character and the personalities of our friends who may not be of the same party.

John was one of the reasons why this became a tradition of the Senate and will

always remain so. He loved people for what they were. He admired their characteristics as friends and in turn inspired, I think, some of the most faithful adherence of any member that this body has seen within my memory. John Daly was a gentleman and a scholar. He was a product in his early education of the silk stocking district, which I have the privilege to this day to represent. He is our gift to the State of New York and one of which we shall always be duly proud and I think it is quite evident from this bouquet of compliments which you have heard this afternoon that John was a rare and unique individual who will long be remembered as long as any of us breath and think about the remarkable characteristics of the State Senate.

THE PRESIDENT: Senate Skelos.

SENATOR SKELOS: Thank you, very much, Madam President.

Much has been said about John Daly's ability as a legislator and certainly those of us who served with him know of those abilities. Those who did not have the

privilege of serving with him certainly have learned about it today and over the last months as we have reflected on John's life.

John had the ability to toss a grenade when necessary, either governmentally or politically, but he also knew when it was time to defuse situations politically or governmentally. He would do it with a funny comment. He would do it with a smile on his face.

What is most important to me, and it is something that my grandfather always said to my father, and to me, and my father now to me, and I am saying it to my son, who is 17, if he listens once in a while at that age, is the most important thing that you can do as an individual for your family and certainly your children, the most significant inheritance is a good name. You can accumulate wealth, you can pass legislation. You can do many, many wonderful things in your life, but the most significant inheritance is a good name. And to the entire Daly family, and certainly to you, Rob, who have continued now in his tradition, John gave you a

wonderful good name.

THE PRESIDENT: Senator Markowitz.

SENATOR MARKOWITZ: Thank you, very much.

It is no secret in the chamber that I am proud to be the Brooklyn chair of the Loyal League of Yiddish Son's of Erin, and it was based upon that relationship between John Daly and I that some of my Irishness came from him. But the truth be told, some of my Jewishness he enjoyed. And let me tell you what I mean.

You have said some wonderful things here. We all have wonderful memories of John. But the memory I have is taking him to wholesale suit locations in New York City and he loved a bargain. This man loved -- in fact, he was so excited when we were able to find a wonderful suit at a great price, pants, shoes, you name it. And he would regularly come into Manhattan and I would meet him as we went around the various locations to find the kind of clothing that he treasured and loved so very, very much.

He obviously was someone that had a great impact on this chamber and for all of us that were fortunate enough to serve with him for many, many years, he indeed will be missed. He was one of a kind. He was, even though he was from, quote, upstate, he was born proudly and raised in Queens and I know that all of us will carry his memory for the rest of our years.

THE PRESIDENT: Senator Onorato.

SENATOR ONORATO: Thank you, Madam Chair, Madam President.

I rise to join my colleagues in paying tribute in honoring the great, great memory of John Daly. Many, many wonderful things have been said about John and his wonderful powers as a legislator, but John was many other things. They mentioned the fact that he was a great athlete and we served together when we still had our softball team in tact and we had the first team that beat the Assembly, the first time ever, and we're still languishing on that memory because we have never won a game since.

But John recalled a story, as Marty

mentioned the fact that they come from Queens, and his wife came from Sunnyside. And John was visiting Sunnyside and he tells me this story that he went down to get a couple bottles of wine for dinner and he went to Lowry Liquor which is located on Queens Boulevard, and he went in there to purchase a couple bottles of wine and when he went to pay for it he gave the proprietor, Lou Ladoty, a check. Lou looked at him and says, I don't take checks. And he said, What do you mean you don't take checks, he says, I am Senator Daly. He says, I don't care who you are, I don't take checks. He says, But I'm a good friend of George Onorato. Well, why didn't you say so in the beginning. He not only cashed the check he says, he gave me a discount.

But the other part of that, John had a great, great talent for writing and rewriting lyrics to the Irish parodies. Assemblyman Butler and I are still using some of them on every Saint Patrick's Day at our Saint Patrick's and Saint Joseph's dinner. We start singing the words that John Daly and I

think it was John Dearie, the Assemblyman, rewrote those words and they certainly were nowhere near the original versions. I think John came up the original version of calling Governor Cuomo the 200 pound gorilla and I think he had that inserted into one of the songs and he probably got that from playing basketball with the Governor at the time.

But I am so happy that everyone in this chamber had such a high, high regard for John Daly, and it is a tribute to all of the wonderful things that he has done because there was nothing to large or too small for John to get involved in.

He was our Don Quixote. When things were not going right here in the chamber John was the very, very first to get up and defend one of the his colleagues when things got a little contentious. And when things in the whole house got contentious John Daly and Mike Tully, God rest his soul, where the peacemakers trying to get things quieted down again and get the ball rolling, which they succeeded again.

But God has taken John from us at a

much untimely period of his life, but I am sure the good Lord has now named him again the Commission of Transportation, paving the way for all you us to get into paradise. God bless John's family who are here with us today.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

I came to the Senate in the same class with George Maziarz in the special election class of 1995. We alternate presidencies of the association. There is only two of us so we have to share.

John was already commissioner at the time and there was an issue in my district that was of some concern and someone suggested, why don't you talk to the commissioner. I said, no, this is nothing that big, this is just a traffic light situation and a little bit of a road project that is going on in the area. He said, no, talk to him, don't worry about it. I gave him a buzz, he came over and we talked. To make a

long story short, he came down to the district, which I never expected, he met with myself and the civic associations that were involved and the contractor that was involved, the whole nine yards. The issue was favorably resolved and everybody was happy. Certainly it made me look good in the district and what is more important, an important project was moved ahead without litigation or without lawsuits and without extensive delays. John did a fantastic job, went way out of his way for a project that was, in the scheme of things, on nobody's radar screen but the local legislator. But it was important to John because it was important to me. I appreciated that.

I ran into him once again at a conference where John was the guest speaker on ISTEA. By the end of the project, this was out of state, and by the end of the project everyone who knew we were together because John identified in the audience and say Hi and he did all that and everyone came up to me from all over and they were saying, you got a great representative there. That's a

fantastic -- what a presentation. You know, he was humorous but he was on target. He kept everyone awake, which if you have been at these things you know full well that that is a rarity and a very difficult thing to do. John had that knack and he did a fantastic job there. It was beautiful.

From someone who had too little time to get to know him but got to know him well enough to know that he really cared, and for him to go out of his way the way he did for a fellow legislator, one who was relatively new and he did not know, but I thought that was a fantastic thing and I said then to him, thank you, and I say to you, thank you. And God bless.

THE PRESIDENT: Senator Saland.

SENATOR SALAND: Thank you, Madam President.

So much has been said about John today that it is really hard to perhaps distinguish particular events or particular occasions in which John by his very person and presence did so much for one or another of us. I didn't share geography with him. Certainly

I am not as senior of a member as he, but let me say, what I share with all of my colleagues today is a sense of admiration and affection for a man who was one of the giants of this institution.

A very unique individual, we are all unique and I think John perhaps was a little more unique. John was very, very fortunate. He was particularly endowed with the gift of a superb intellect, and sparkling wit, and when he wanted to be he could be searingly candid.

Those of us who saw him either on the floor or in conference certainly well knew his ability to be very, very candid.

The last person in the world I would want to be on the opposite sides of an issue on would have been John. A superb talent, one of the, I think, most outstanding people whom I have had the opportunity to serve with, and I have been in this institution, this legislative institution, for some 20 years, but it went well beyond legislative service. It went well beyond his being a colleague. It went to being an

extraordinary human being. When he left this house and went to serve in the executive branch as the Transportation Commission, nothing about John changed. John was accessible. John was always a gentleman and John was always willing to do his best to try and assist a colleague.

His qualities, if they could be manufactured, would probably mean a just entirely different approach to governance and an entirely different quality of legislation.

I have told my children time and again that there is one commodity you can not inherit, you can't buy it, you can only earn it. And that is respect. Your fortunate. You have the wonderful legacy. You know the kind of respect that John Daly had by what you have heard here in this chamber today, all of which has come from the heart, all of which is genuine, and all of which is intended as not merely as a tribute to his memory but a tribute to you, to his family.

God bless you.

THE PRESIDENT: Senator McGee.

SENATOR McGEE: Thank you, Madam

President.

All my colleagues have spoken very eloquently about John Daly, Senator John Daly, and I suspect anybody in this chamber who served with John Daly would have an interesting story to tell about him.

I think that when I first came into the Assembly in 1987, John Daly was an individual who greeted me, who said, Welcome, Pat, if I can do anything to help you, please let me know. And I did. I called on John on many, many occasions as a member of the Assembly. I called on John as a Senator to help me on many, many occasions, and he was always there for me.

I will also say that as a member of the Legislature from western New York, John an I frequently met as we passed on our way to Albany. I think there were times when we got to Albany by route of Newark and by Washington, D.C. because the planes of course would change a little bit of distance, but I always knew that when I got down to Albany John Daly would say to me, why don't you come down, why don't you come down and have a

sandwich or something and watch the ball game because he was a great football fan and that's what he used to do when he was down here on Sunday afternoons, was watch the football game. I thought that was absolutely great and wonderful. You know, I think that when he was the Commissioner of DOT I could go to him for any kind of a question and he would help me with all the help and the things that had to do with transportation, but I think I bring to this chamber another side of John Daly that most people don't know. John Daly was my landlord. And John Daly was my landlord for probably the last eight years. And really probably one of the best landlords I ever had because I would up and say, ha, John, I have this problem, and he was right there, he was right there.

He was a person who fought and cared about people. There is no question that each and every one of us will miss him. He was a great friend and I truly will miss him. So to you I say my deepest sympathies. We will all miss him.

THE PRESIDENT: Senator

Dollinger.

SENATOR DOLLINGER: Thank you, Madam President.

Senator Skelos mentioned a couple of minutes ago that John Daly was fond, during the politics or during debate, of lobbing one of those little hand grenades. I am one of the guys who caught those hand grenades, Senator, and I want to tell his family, I am better for it. Let me did he tell you why.

John Daly could though a good political punch with one of the those big, big political boxing gloves, but he never had a fist in it. He always had a point to make. He always had a point of view that he wanted to impress upon you. You might not necessarily agree with him, but there was a consistency to his point of view that even though many times on this floor I sparred with him over those issues, I came to respect a great deal.

And for his family I would simply ask you to do one thing before you leave the third floor. In the lounge there is a picture of the New York State Senate. We get it taken

every year, but the picture in the lounge I believe is from 1938. And on the wall outside the chamber there is actually a portrait of the New York State Senate from more than 100 years ago.

I would ask you to look at those two pictures and think of John Daly in them because its seems to me that the one brilliant thing about this democracy is our ability to bring good people into it, to have them make a contribution, to participate in the life of government, to participate in the life of the people's business, which for some reason has become that notorious word that is uttered under everybody's breath when they say that they are a politician, a man of the people, a person of the people.

John Daly was a politician. He was a man who knew about people. He knew what motivated people. He knew what they wanted. A tremendous, tremendous talent.

And I would just suggest to you that when you look at either that portrait on the outside wall or the picture in the lounge, think for a minute and realize that a hundred

years from now people may not remember who John Daly was. His family will. But they will always remember what he stood for. That idea that we took from de Tocoqueville, that in this country we would take ordinary people and give them the ability to govern others in their wisdom and judgment.

John Daly had judgment, he had wisdom, and both of those attributes that we celebrate here today are still, still the hallmark of democracy of this state and this nation.

You gave up your husband, your father, your friend. And not only are we better for it, as George Maziarz says, democracy is better for it.

THE PRESIDENT: Senator Mendez.

SENATOR MENDEZ: Madam President, I also rise to say a few words about my very good dear friend John Daly. And his wife and his children that are here today, we know that you loved the man very, very much so. And you did without him because he was so committed to public life when in the same fashion you know that there are many, many people in this

chamber that have the greatest, have great affection and respect for him.

I for one admire his wit. I admire his knowledge and once I have to say this, I had a problem with a constituent of mine who had a son that was working in his district as a farm worker. The young man had a problem and was arrested unfairly as I was told. Let me assure you, I just had to call once his office. His marvelous staff that also adored and respected him, acted quickly and well and they resolved the problem. He was a man that joie de vivre. The best parties in Saint Patrick's Day that I have ever attended were right here in the Capitol Building and they were magnificent.

So we are all sure that he is resting in peace. He was a good Catholic, a good man, and great Senator. And if the extent of love that the staff and family has for his Senator is a measure of it John Daly was then and is the best Senator that there ever was.

So, thank you, Madam President. And it is welcome, welcome, and welcome.

THE PRESIDENT: Senator Stachowski.

SENATOR STACHOWSKI: Briefly because just about everything was said about John already, obviously his accomplishments in energy and the environment were of great magnitude.

I was on the Commission of Hazardous and Toxic Waste with him and it was the one commission that I have ever served on that really put out a lot of good pieces and I think it was because of John and the great people that he had working for him and the enjoyment they actually got out of working on these complicated issues and all the things they got done.

But as much as we miss John on the floor, people like me miss John the most on days like last Saturday, because I spent a lot of days with John at the track. We would be at Belmont together for the Belmont Stakes. We would be in Saratoga for the Travers. We would be at some -- of the Breeder's Cup was in New York we might be there, but otherwise as fate would have it, western New York being

as large as it is and with so many places to go to watch the Breeder's Cup often times John and I would end up in the same place and we would spend the day talking a little business, mostly talking about how much we both enjoyed this institution, not so much everything that gets done here, but the institution itself. And we would also bet horses. I would think that if John were there Saturday he probably would have had Lemon Drop Kid because that was the kind of horse that John bet. I didn't especially relish winning four dollars, he liked to win big dollars. That was the kind of horse that would give him big dollars. And I would have thought we would have had a Triple Crown winner in the year that John passed on, but I think that that is not where he put his sporting interests while he is up in a position to have some influence. I think that the fact that horse didn't win bodes very well for the Sabers in the Stanley Cup because apparently that is where John has all his interests and should be an easy decision for anybody that knows how important the Sabers were to him, not so much because he liked the

hockey team, but because they were so important to his daughter. And to see John with his daughter at those occasions when we would all be invited to a Sabers game made the game that much better and made you respect John that much more because you saw how excited he would be for the fact that she would be in this great position to enjoy the team that she enjoyed so much.

So those were just a couple of the memories that I wanted to pass on to add my voice to the great respect and the great love we all had for John Daly.

THE PRESIDENT: Senator Lachman.

SENATOR LACHMAN: I arrived in the Senate Chamber the year after Senator Maziarz so I never had the pleasure of working with Senator Daly on the floor or off the floor of the Senate. I did meet Commissioner Daly when he was Commissioner of Transportation and his involvement in transportation issues in the state and with ISTEA and I came to respect an individual of great integrity, of powers of analysis and the finest character traits.

And I have to thank my colleagues in the chamber today for bringing to my perception and to me sitting here for almost two hours, listening to discussions of a dimension of a human being that I had not known before, a very personalized dimension of a man of great character, and a man who enhanced this chamber, and a man whose vision will always be with us as a guide in the future.

Thank you.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Madam President, Ms. Daly and Rob and family, you have heard what a great legislator your husband and father was, what a great debater. I will never remember, never forget rather, during the years when I chaired the Conservation Committee in the Senate how John was on my committee and there was a tough debate and he was in the middle of it on the floor, he had a lot of questions, he had answers if you did not and he really was a fighter, a great fighter and a great friend.

He and I had many opportunities to

discuss items and talk them over. He always had some good common sense solutions to the dilemma that I might have faced. I think one thing that really struck me and people have made remarks about John being Irish and being proud of being Irish, I walked into his apartment one day when he was having that famous hot dog roast and I saw a book on the counter and it said, How the Irish Saved the World. I said, you know, John, I bought a book like that for a staffer for Christmas and I just glanced through it and I wish I would have read it, it was very interesting. John said, Here, take it, I have a couple more copies and I want you to take this. I said, no, I don't want to take it. He said, Take it, take it. And I read it and it was really enlightening. I mean, there are so many things that I didn't know. You think as a student of history and a student of the world you think you know a lot, but you don't know anything until you get into some of these books and the insights into the Irish character were very enlightening and the culture and I can see why John was very, very

proud of those qualities which he saw in that book exemplified and certainly which he exemplified personally in his own character.

He was a great guy. We will never forget John Daly, a good friend and good Senator and I would like to extend my sympathies to you.

Thank you.

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President.

It is with great pride and honor I rise to add to my colleagues the long list things that made John Daly a wonderful human being, fine American, a wonderful public servant.

It was 24 years ago that I had the opportunity to first meet John Daly. I was a law student and he was a fire brand Assemblyman fighting for his district, rising in debate, and I will never forget that first night when I happen to be in the Assembly chamber, to see him stand high among his colleagues, fighting for the interests of upstate New York.

It was a few years after that that John Daly took me under his wing and helped me get elected to the State Senate. I had the honor of working very closely with him as a member of the Monroe County delegation to the Senate, to the Legislature. John, although having a small portion of the county was the dean of our delegation. He worked tirelessly on behalf of Monroe County and the western New York region even though he from the furthest point of the western part of the state. He fought very hard for the Monroe County interests on big project and little projects. John was always there.

He taught me a great deal. I worked closely with him and learned an awful lot from him. I won't belabor personal reminiscence and personal references to him, but it certainly was an honor for me to follow in his foot steps in representing the interests of Monroe County. In all the issues and debates that John was known for, all the accomplishments as a Senator and as a Commissioner of Transportation that he was known for, certainly we will remember and

honor. But my remembrances of John always will be much more personal, whether it was at a Bills football game that John helped bring the Senators together and watch the game together, whether it was with a fishing pole on the Niagara River and Lake Ontario, whether it was with a golf club, John was always a great friend, always one that extended himself to have very warm relationships with his colleagues.

Those are the most important remembrances that I will have of John Daly and remembrances that I will never, never forget.

It is a true honor to have served with John and I wish him Godspeed.

THE PRESIDENT: Senator Leibell.

SENATOR LEIBELL: Thank you, Madam President.

There is not a great deal that I can add here this afternoon to what has already been said, but during the winter when I was laid up for a few weeks with a broken ankle I tried quite a few times to get through to John at his home to see how he was doing and one day I did get through to him. He had

so many friends his phone was always busy, but I knew that as many of us did, that John was seriously ill. I was amazed, here I was with just a broken ankle, how uplifting he was, and in what good spirits he was and how comfortable he felt about himself and his life.

We all know and certainly his family knows that we have been graced by his presence. It is sad to lose a man of such character and quality, intelligence and wit, but we are all better for having served with him, known him and loved him.

THE PRESIDENT: Are there any other members who wish to speak on this resolution?

Hearing no other members, I will now call on Senator Stafford to close.

SENATOR STAFFORD: Madam President, John's family, last Saturday I was in the southern part of the state. There were about 85,000 people there looking like 185,000. It was in the County of Nassau. I certainly wouldn't tell you where I was, but it was in the paper the couple days and there

was a thoroughbred injured at the time.

I stepped out of the car and, one of those 85,000 people who served with John and me in the administration I, certainly would not tell you who that was either, but together we said we have got somebody missing today. And we thought it together and we said it together and we certainly did.

And we missed and we'll continue to miss him.

John and I always debated whether the fish were better in Lake Champlain and the Ausable or the Niagara River and the Great Lakes and John always won.

And I would finally say, Madam President, people have spoken so eloquently and so well that I remember a number of years ago, and it was a number of year ago when Earl Brydges told me who was running for Assembly in his district. And when John came to the Assembly how pleased Earl Brydges was. And Earl said at the time, he told a group of us, and by the way, we were fishing, it is very apropos, and he said, you know, there won't be a harder worker, John will speak up, he said,

and finally, he said, John also knows how to enjoy himself. And how right Earl Brydges was.

John did a tremendous job here in Albany and we are certainly fortunate. It has been said so many times, and it should be said over and over again because it is true. We are all better, the state is better, and we thank John's family for sharing him.

THE PRESIDENT: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye".)

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, is there any housekeeping at the desk?

THE PRESIDENT: Yes, there is, Senator.

SENATOR FUSCHILLO: Can we take it up now?

THE PRESIDENT: Senator Meier.

SENATOR MEIER: Thank you, Madam President.

Madam President, on behalf Senator Nozzolio, I move to amend Senate Bill Number 4559-B, by striking out the amendments made on June 2nd and restoring it to its previous Print Number 4559-A.

THE PRESIDENT: So ordered.

Senator Fuschillo.

SENATOR FUSCHILLO: There will be an immediate meeting of the Finance Committee in the Majority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Finance Committee in the Majority Conference Room.

Senator Meier.

SENATOR MEIER: Thank you, Madam President.

On behalf of Senator Maltese, on page number 28, I offer the following amendments to Calendar Number 697, Senate Print Number 2824, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendment is received and the bill will retain its place on the Third Reading Calendar.

SENATOR MEIER: On behalf of Senator LaValle, I offer the following amendments to Calendar Number 458, Senate Print Number 2990-C, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendment is received and the bill will retain its place on the Third Reading Calendar.

SENATOR MEIER: On behalf of Senator Fuschillo I wish to call up his bill, Print Number 3879, recalled from the Assembly which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 719, by Senator Fuschillo, Senate Print 3879, an act authorizing the assessor of the county of Nassau.

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

THE PRESIDENT: The Secretary will call the role upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: Senator Meier.

SENATOR MEIER: Madam President, I now offer the following amendments.

THE PRESIDENT: The amendment is received.

SENATOR MEIER: Finally, Madam President, on behalf of Senator Lack, I wish to call up Calendar Number 879, Assembly Print Number 7459.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 879, by Member of the Assembly Weinstein, Assembly Print 7459, an act to amend the Uniform Commercial Code.

SENATOR MEIER: I now move to reconsider the vote by which the Assembly Bill was substituted for Senator Lack's bill, Senate Print Number 5141, on June 2nd.

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

SENATOR MEIER: I now move that Assembly Bill Number 7459 be committed to the Committee on Rules and that the Senate Bill be restored to the order of the Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR MEIER: I now offer the following amendments.

THE PRESIDENT: The amendment is received.

SENATOR MEIER: Even though I said finally, Madam President, once and for all, on behalf of Senator Farley, on page number 51, I offer the following amendments to Calendar Number 1042, Senate Print Number 3555, and ask that said bill its place on the Third Reading Calendar.

THE PRESIDENT: The amendment is received and the bill will retain its place on the Third Reading Calendar.

SENATOR MEIER: Thank you, Madam President.

THE PRESIDENT: Senator

Fuschillo.

SENATOR FUSCHILLO: Madam President, are there any substitutions?

THE PRESIDENT: Yes, there are Senator.

SENATOR FUSCHILLO: Please make them at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 59, Senator Volker, moves to discharge from the Committee on Rules, Assembly Bill Number 7102, and substitute it for the identical Third Reading Calendar 1149. And on page 59, Senator Hannon, moves to discharge from the Committee on Rules, Assembly Bill Number 7964, and substitute it for the identical Third Reading Calendar, 1153.

THE PRESIDENT: The substitutions are ordered.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, at this time can we take up the non-controversial calendar, please.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: Calendar Number 97, by Senator Spano, Senate Print 1372, an act to amend the Labor Law, in relation to the maintenance of payroll records.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 343, by Member of the Assembly Vitaliano, Assembly Print Number 4062, an act to amend Chapter 695 of the Laws of 1994.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Aye 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 523, by Senator Stafford, Senate Print 3832, an act to amend the Executive Law, in relation to deleting.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 600, by Senator Leibell, Senate Print 4545-A, an act to amend Chapter 41 of the Laws of 1997, relating to providing.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 12. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 643, by Senator Rath, Senate Print 674-A, an act to amend the Family Court Act, in relation to definition of a person in need of supervision.

THE PRESIDENT: Read the last section.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside, Senator Paterson.

THE SECRETARY: Calendar Number 669, by Senator Farley, Senate Print 3554, and act to amend the Banking Law in relation to voluntary and involuntary liquidation.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 17. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 686, by Senator Bonacic, Senate Print 3905-B, an act to amend Chapter 555 of the Laws of 1989.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 777, by Senator Trunzo, Senate Print 4604, an act to amend the Highway Law, in relation to designating.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 799, by Senator Skelos, Senate Print 4770, an act to amend the General Business Law, in relation to articles of bedding.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect in 120 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one. Senator Maltese recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 854, by Member of the Assembly DiNapoli, Assembly Print 4890, an act to amend the Education Law, in relation to absentee ballots.

THE PRESIDENT: Read the last section.

THE SECRETARY: Sections 3. This

act shall take effect on the first day of July.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed. Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Rules Committee in the Majority Conference Room.

The Secretary will read.

THE SECRETARY: Calendar Number 865, by Senator DeFrancisco, Senate Print 556, an act to amend the Judiciary Law, in relation to punishments and commitment.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first day of January.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 876, by Senator Bonacic, Senate Print 4937, an act to amend the Real Property Actions and Proceedings Law, in relation to as special procedure.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one. Senator Schneiderman recorded in the negative.

THE PRESIDENT: The bill is passed.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 891, by Senator Trunzo, Senate Print 4411, an act to amend the Vehicle and Traffic Law, in

relation to civil penalties.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of September.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 918, by Member of the Assembly Magee, Assembly Print 6421, an act to amend Chapter 668 of Laws of 1977.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed. And for the record, Calendar Number

854, Senate Bill 2774, that bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 939, by Senator Skelos, Senate Print 982-A, an act to amend the Public Health Law and the Education Law, in relation to requiring.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 958, by the Assembly Committee on Rules, Assembly Print Number 8072, an act to amend Chapter 521 of the Laws of 1994.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 959, by Senator Hannon, Senate Print 5077, an act to direct the Department of Health, Education Department and the Insurance Department.

SENATOR PATERSON: Lay the bill aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 999, by Senator Volker, Senate Print 5528, an act to amend the Penal Law and the Criminal Procedure Law, in relation to criminal possession.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the first day of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays

one. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Duane, why do you rise?

SENATOR DUANE: Madam President, I would like unanimous consent to be recorded in the negative on Calendar Number 876, Bill Number 4937. And I believe I think I misunderstood, 918 has gone? I thought you said that was Magee. Was that on the calendar? Did you call 918, S-4881?

THE PRESIDENT: Senator that bill is 891, not 918. And you will be so recorded in the negative. Is that your request, Senator?

SENATOR DUANE: I would like to be recorded no on 876, 891, and 918.

THE PRESIDENT: You will be so recorded as voting in the negative on both of those bills.

SENATOR DUANE: Thank you, Madam President. The three bills.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1004, by Member of the Assembly Sanders,

Assembly Print 741, an act to amend the Alcoholic Beverage Control Law, in relation to requiring.

SENATOR HEVESI: Lay the bill aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1011, by Senator Skelos, Senate Print 2883, an act to amend the Tax Law, in relation to providing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1023, by the Assembly Committee on Rules, Assembly Print 8337, an act to amend Chapter 674 of the Laws of 1993.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1072, by Senator Marchi, Senate Print 2040, an act to amend the Mental Hygiene Law, in relation to prohibiting.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1089, by Senate Alesi, Senate Print 85, an act to amend the Correction Law, in relation to making it a Class A misdemeanor.

THE PRESIDENT: Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Madam President, is Bill 1072 still in the house.

THE PRESIDENT: Senator, we are on the bill now.

SENATOR DOLLINGER: On 1072?

THE PRESIDENT: We are on 1089, Senator.

SENATOR DOLLINGER: Can we ask that 1071, has the vote already been taken on that?

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

SENATOR DOLLINGER: Madam President with respect to -

THE PRESIDENT: Senator Dollinger

why do you rise?

THE PRESIDENT: With respect to Calendar Number 1072, there is a question from Senator Montgomery and I believe and others on 1072. We have a question. We would ask for reconsideration of that bill and ask that upon reconsideration it be laid aside, if it is still in the house? Move for reconsideration.

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

THE SECRETARY: Calendar Number 1072, by Senator Marchi, Senate Print 2040, an act to amend the Mental Hygiene Law.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Madam President, with respect to Calendar Number 999, I would ask whether it is still in the house? Senator Montgomery had a question on the bill. We would ask to move for reconsideration on that bill to allow -

THE PRESIDENT: That bill is out of the house, Senator Dollinger.

SENATOR DOLLINGER: It is already gone?

THE PRESIDENT: Yes, Senator. Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Madam President, I would like to be recorded in the negative on Calendar 999.

THE PRESIDENT: You may be so recorded, Senator Montgomery, as voting in the negative on Calendar 999.

SENATOR MONTGOMERY: Yes.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1090, by Senator Larkin, Senate Print 170, an act to amend the General Municipal Law, the State Finance Law and the Municipal Home Rule Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 120th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1093, by Senator Johnson, Senate Print 812, an act to amend the Real Property Tax Law, in relation to providing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1094, by Senator LaValle, Senate Print 1198, an act in relation to the Long Island suburban highway.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1096, by Senator Wright, Senate Print 1226, an act to amend the Tax Law, in relation to adding mining and extraction.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first day of January.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1098, by Senator Padavan, Senate Print 1993, and an act to amend the Penal Law, in relation to theft.

SENATOR MONTGOMERY: Lay it aside, please.

THE PRESIDENT: The bill is laid

aside.

THE SECRETARY: Calendar Number 1099, by Senator Marchi, Senate Print 2041, an act authorizing the City of New York to reconvey its interests.

THE PRESIDENT: Read the last section.

There is a home rule message at the desk. Read the last section.

THE SECRETARY: Sections 5. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1103, by Member of the Assembly Luster, Assembly Print 839, an act to amend the Vehicle and Traffic Law and General Business Law, in relation to standards.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect 120 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1104, by Senator Farley, Senate Print 3237, an act to amend the Social Services Law, in relation to requiring.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect in 30 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1105, by Senator Lack, Senate Print 3250-A, an act to amend the Tax Law, in relation to extending.

SENATOR DOLLINGER: Lay the bill aside.

THE PRESIDENT: The bill is laid

aside.

THE SECRETARY: Calendar Number 1106, by Senator McGee, Senate Print 3327, an act to amend the Highway Law, in relation to the state arterial highway.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1108, by Senator Libous, Senate Print 3589-A, an act to amend -

SENATOR DOLLINGER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1109, by Senator Rath, Senate Print 4608, an act to amend the Executive Law, in relation to requiring.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1111, by Senator Alesi, Senate Print 182, an act to amend the Correction Law, in relation to work release programs.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1112, by Member of the Assembly Davis, Assembly Print Number 3007, an acted authorizing the City of New York to reconvey

its interest.

THE PRESIDENT: There is a home rule message at the desk. Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1113, by Senator LaValle, Senate Print 2079, an act to amend the State Finance Law, in relation to references.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

1114, by Senator Skelos, Senate Print 2294-A, an act to amend the Insurance Law, in relation to requiring?

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1116, by Senator Velella, Senate Print 2413, an act to amend the Penal Law, in relation to loitering.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1117, by Senator Johnson, Senate Print 3212, an act to amend the General Business Law, in relation to the submission.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1118, by Senator Marchi, Senate Print 3607, an act to amend the Business Corporation Law and others, in relation to technical corrections.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 53. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1119, by Senator Wright, Senate Print 3652-A, an act to amend the Vehicle and Traffic Law, in relation to the maximum speed limit.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1120, by Senator Rath, Senate Print 3886, an act to amend the Tax Law, in relation to extending.

SENATOR DOLLINGER: Lay the bill aside.

THE PRESIDENT: The bill is laid aside, Senator.

THE SECRETARY: Calendar Number 1121, by Member of the Assembly Green, Assembly Print 7053, an act authorizing the City of New York to reconvey its interests.

THE PRESIDENT: There is a home rule message at the desk. Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1122, by Senator McGee, Senate Print 4313, an act to amend the General Municipal Law, in relation to establishing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1123, by Senator Saland, Senate Print 4332, an act to amend the Penal Law, in relation to custodial interference.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first day of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1125, by Senator Hoffmann, Senate Print 4368, an act to amend the Agriculture and Markets Law, in relation to fuel octane.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1126, by Senator Volker, Senate Print 4375-A, an act to amend the Penal Law, in relation to trespass.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first day of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed. Senate Montgomery why do you rise?

SENATOR MONTGOMERY: Madam President, I would like to be recorded in the negative on Calendar Number 1117.

THE PRESIDENT: Senator Montgomery, you will be so recorded as voting in the negative.

The Secretary will read.

THE SECRETARY: Calendar Number 1127, by Senator Wright, Senate Print 4552, an act to amend the Vehicle and Traffic Law, in relation to creating.

SENATOR HEVESI: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1129, by Senator Kuhl, Senate Print 4632, an act to amend Chapter 78 of the Laws of 1989.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1130, by Senator Hannon, Senate Print 4695, an act to amend Chapter 165 of the Laws of 1991.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1131, by Senator Hannon, Senate Print 4871, an act to amend Chapter 804 of the Laws of 1992.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1132, by Senator Fuschillo, Senate Print 4974-A, an act in relation to authorizing the County of Nassau.

THE PRESIDENT: There is a home rule message at the desk. Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1134, by Senator Trunzo, Senate Print 5021-A, an act authorizing the Town of Islip, County of Suffolk, to transfer certain lands.

THE PRESIDENT: There is a home rule message at the desk. Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1135, by Senator DeFrancisco, Senate Print 5083, an act to amend the Town Law, in

relation to the establishment.

THE PRESIDENT: Read the last section. There is a home rule message at the desk. Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1136, by Senator Nozzolio, Senate Print 5101, and act to authorize the State of New York, acting through the Office of General Services to transfer and convey.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1137, by Senator Rath, Senate Print 5259 an act to amend the Town Law, in relation to allowing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1139, by Senator Wright, Senate Print 5582, an act to amend the Alcoholic Beverage Control Law and others, in relation to the sale of alcohol and tobacco products.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect June one.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1141, by Senator Stafford, Senate Print 733, an act to amend Chapter 466 of the Laws of -

SENATOR SKELOS: Lay it aside for the day.

THE PRESIDENT: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1142, by Senator Balboni, Senate Print 860, an act to amend the Vehicle and Traffic Law, in relation to aggravated unlicensed operation.

THE PRESIDENT: Read the last section.

THE SECRETARY: Sections 2. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one. Senator DeFrancisco recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

1143, by Senator Johnson, Senate Print 1074, an act to amend the Public Authorities Law, in relation to directing.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect 180 days.

THE PRESIDENT: Call the roll

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1144, by Senator Nozzolio, Senate Print 2205-B, an act to amend the Tax Law, in relation to corporate acquisition.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one Senator Montgomery recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1145, by Senator Maltese, Senate Print 3260, an act to amend the General Business Law, in relation to advertisements on private property.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays 2. Excuse me. Aye 55, nays 3. Senators Dollinger, Kuhl and Larkin recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1146, by Senator Libous, Senate Print 3588, an act to amend the Highway Law, in relation to increasing the limitation.

THE PRESIDENT: There is a home rule message at the desk. Read the last

section.

THE SECRETARY: Section 2. This act shall take effect on the first day of January.

THE PRESIDENT: Call the roll.

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1147, by Senator Maziarz, Senate Print 3665, an act to amend the Vehicle and Traffic Law, in relation to authorizing villages.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays 2. Senators Kuhl and Larkin recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1148, by Senator Nozzolio, Senate Print 4303,

an act to amend the Village Law, in relation to the residency requirement.

THE PRESIDENT: Read the last section.

There is a home rule message at the desk. Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1149, substituted earlier today by Member of the Assembly Englebright, Assembly Print Number 7102, an act to amend the Correction Law, in relation to distributing.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes.

THE PRESIDENT: Senator Duane, to explain your vote. Why do you rise, Senator Duane?

SENATOR DUANE: I was going to ask for unanimous consent to vote in the negative.

THE PRESIDENT: Senator, you are out of order. We have to finish this.

The Secretary will read.

THE SECRETARY: Ayes 56, nays 2. Senators Duane and Montgomery recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Duane, why do you rise?

SENATOR DUANE: Madam President, I would like to be recorded in the negative if I could have unanimous consent on 1142, Bill Number 860.

THE PRESIDENT: You will be so recorded as voting in the negative, Senator Duane.

Senator Markowitz, why do you rise?

SENATOR MARKOWITZ: Thank you, Madam President.

Last week I was out of the chamber

and would have voted on Calendar Number 885, I missed that vote, but I would like the record to reflect that had I been in the chamber I would have voted in the negative on Calendar 885.

THE PRESIDENT: The record will so reflect that, Senator.

The Secretary will read.

THE SECRETARY: Calendar Number 1150, by Senator Bonacic, Senate Print 4471-A, an act in relation to -

SENATOR SKELOS: Lay it aside for the day.

THE PRESIDENT: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1151, by Senator Balboni, Senate Print 4631, an act to amend the Education Law, in relation to increasing.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall effect on the 60th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1152, by Senator Volker, Senate Print 4659, an act to authorize the Office of General Services to sell, transfer and convey.

THE PRESIDENT: There is a home rule message at the desk. Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1153, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 7964, an act to amend Chapter 483 of the Laws of 1978.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1154, by Senator Saland, Senate Print 4728, an act to amend the Tax Law, in relation to extending.

THE PRESIDENT: Read the last section.

SENATOR BRESLIN: Lay the bill aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1155, by Senator Skelos, Senate Print 4928, an act to amend the Public Authorities Law, in relation to authorizing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1156, by Senator McGee, Senate Print 4952-A, an act to amend the Vehicle and Traffic Law, in relation to requiring.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1157, by Senator Trunzo, Senate Print 5016, an act authorizing the Department of Transportation to conduct a feasibility study.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1158, by Senator Skelos, Senate Print 5074-A, an act to amend the Civil Rights Laws, in relation to requiring.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect in 60 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one. Senator Meier recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1159, by Senator DeFrancisco, Senate Print 5139-A, an act in relation to adjusting

certain state aid payments.

THE PRESIDENT: There is a local fiscal impact note at the desk. Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1160, by Senator LaValle, Senate Print 5175, an act authorizing the trustees of Eastern Suffolk Board of Cooperative Educational Services.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1161, by Senator Kuhl, Senate Print 5205, an act to amend the Education Law, in relation to the calculation.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1162, by Senator Rath.

SENATOR SKELOS: Lay it aside for the day.

THE PRESIDENT: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 1163, by Senator Marcellino, Senate Print 5402, an act to amend the Environmental Conservation Law, in relation to prohibiting.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1164, by Senator Skelos, Senate Print 5434, an act to amend the Vehicle and Traffic Law, in relation to the appointment.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1165, by Senator McGee, Senate Print 5560, an act to amend the Vehicle and Traffic Law and others, in relation to standards.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first day of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1166, by Senator Volker, Senate Print 5567, an act to amend the Executive Law, in relation to the DNA identification index.

THE PRESIDENT: Read the last section.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1168, by Senator Saland, Senate Print 5583, an act to amend the Criminal Procedure Law and the Executive Law, in relation to entry of orders of protection.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1169, by Senator Alesi, Senate Print 5588, an act to amend the General Business Law, in relation to examinations.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall effect January 1.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1170, by Senator Volker, Senate Print 5598, an

act to amend the Civil Practice Law and Rules, in relation a civil case records.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one. Senator DeFrancisco recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1171, by Senator Maziarz.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1172, by Senator Rath, Senate Print 5637, an acted to authorize the City of Tonawanda to discontinue the use of certain lands.

THE PRESIDENT: There is a home rule message at the desk. Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1173, by Senator Maziarz, Senate Print 5659, an act to amend the Chapter 779 of the Laws of 1986.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1174, by Senator Goodman, Senate Print 5671.

SENATOR SKELOS: Lay it aside for the day.

THE PRESIDENT: The bill is laid

aside for the day.

THE SECRETARY: Calendar Number 1175, by Senator Saland, Senate Print 5677, an act to amend the Criminal Procedure Law and the Family Court Act, in relation to the election.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58

THE PRESIDENT: The bill is passed. Senator Skelos, that completes the reading of the non-controversial calendar.

SENATOR SKELOS: Madam President, if we could return to reports of standing committees, I believe there is a report of the Finance Committee at the desk. I ask that it be read.

THE PRESIDENT: The Secretary will return to reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Stafford,

from the Committee on Finance, reports the following bills:

Senate Print 5801, by the Senate Committee on Rules, an act to amend Chapter 15 of the laws of 1999;

5802, by the Senate Committee on Rules, an act making appropriations for the support of government; and

5803, by the Senate Committee on Rules an act to authorize financing for certain local highway and bridge projects.

All bills ordered direct for third reading.

THE PRESIDENT: Without objection, all bills ordered direct to third reading.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could take up Calendar Number 1176, Senate 5801.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1176, by the Senate Committee on Rules, Senate Print 5801, an act to amend Chapter 15 of the

Laws of 1999, making appropriations for the support of government.

SENATOR SKELOS: Madam President, is there a message of appropriation at the desk?

THE PRESIDENT: Yes, there is, Senator Skelos.

SENATOR SKELOS: Move to accept.

THE PRESIDENT: The motion is to accept the message of appropriation. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The message is accepted.

Read the last section.

SENATOR SKELOS: Madam President, could we wait a minute. The bill is being distributed.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

SENATOR SKELOS: Madam President, if we could take up Calendar Number 1177, Senate 5802.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1177, by the Senate Committee on Rules, Senate Print 5802, an act making appropriations for the support of government.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Is there a message of appropriation at the desk.

THE PRESIDENT: Yes, there is, Senator Skelos.

SENATOR SKELOS: Move to accept.

THE PRESIDENT: The motion is to accept the message of appropriation. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The message of appropriation is accepted.

Senator Skelos. Read the last section.

THE SECRETARY: Section 48. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

SENATOR MONTGOMERY: Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Number 5801, is that the one we are voting on?

THE PRESIDENT: We're voting on 5802, Senator Montgomery.

The Secretary will announce the results.

THE SECRETARY: Ayes 56, nays two. Senators Dollinger and Seabrook recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Montgomery why do you rise?

SENATOR MONTGOMERY: Yes, Madam President, I would like unanimous consent to be recorded in the negative on Calendar 5801.

THE PRESIDENT: Without objection, you will be so recorded as voting in the negative on 5801.

SENATOR MONTGOMERY: Thank you.

THE PRESIDENT: Senator Dollinger, why do you rise?

SENATOR DOLLINGER: May I also have unanimous consent to be recorded in the negative on Senate Bill 5801.

THE PRESIDENT: Senator Dollinger, you will be so recorded as voting in the negative on Senate 5801.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could take up Calendar Number 1178, Senate 5803.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1178, by the Senate Committee on Rules, Senate

Print 5803, an act to authorize financing for certain local highway and bridge projects.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed. Senator Stafford. The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations:

Members of the New York State Energy Research and Development Authority, Thomas J. Marusak of Loudonville and Parker D. Mathusa of Delmar.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of Thomas J. Marusak and Parker D. Mathusa as members of the New York

State Energy Research and Development Authority.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominees are confirmed.

THE SECRETARY: As a member of the Central New York Regional Transportation Authority, Dennis T. Cleary of Manlius.

THE PRESIDENT: Senator Stafford

SENATOR STAFFORD: Move confirmation.

THE PRESIDENT: The question is on the confirmation of Dennis T. Cleary as a member of the Central New York Regional Transportation Authority. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The confirmation is confirmed.

The Secretary will read.

THE SECRETARY: As a member of the New York State Housing Finance Agency, Paul Jones of Armonk.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

THE PRESIDENT: The question is on the nomination of Paul Jones as a member of the New York State Housing Finance Agency. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The nominations is confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Board of Directors of the Great Lakes Protection Fund, Harold G. Hibbard of Lewiston.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of Harold G. Hibbard as a

Member of the Board of Directors of the Great Lakes Protection Fund. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The nomination is confirmed. The Secretary will read.

THE SECRETARY: As a member and chairperson of the Freshwater Wetlands Appeals Board, Rhonda K. Amoroso, Esquire, of Garden City.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

THE PRESIDENT: The question is on the confirmation of Rhonda K. Amoroso as a member and chairperson of the Freshwater Wetlands Appeals Board. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The nomination is confirmed. The Secretary will read.

THE SECRETARY: As members of the Board of Trustees of the State University of New York College of Environmental Science and Forestry, Edward J. Heinrich of Marcellus and Robert E. Moses of Marietta.

THE PRESIDENT: The question is on the confirmation of Edward J. Heinrich and Robert E. Moses as members of the Board of Trustees of the State University of New York College of Environmental Science and Forestry. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The nominations are confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Lake George Park Commission, James B. Neal of Silver Bay.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

THE PRESIDENT: The question is on the confirmation of James B. Neal of Silver

Bay as a member of the Lake George Park Commission. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The nomination is confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Board of Directors of the New York Convention Center Operating Corporation, John R. Cashin, Esquire, of Brooklyn.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

THE PRESIDENT: The question is on the confirmation of John R. Cashin as a member of the Board of Directors of the New York Convention Center Operating Corporation. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The nomination is

confirmed.

THE SECRETARY: As a member of the State Council on the Arts, Karen LeFrak of New York City.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

THE PRESIDENT: The question is on the confirmation of Karen LeFrak as a member of the State Council on the Arts. All in favor signify by saying aye.

(Response of "Aye".)

THE PRESIDENT: Opposed nay

(No response.)

THE PRESIDENT: The nomination is confirmed.

The Secretary will read.

THE SECRETARY: As a members of the New York State Hospital Review and Planning Council, Bonnie Howard Howell of Ithaca.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

THE PRESIDENT: The question is

on the confirmation of Bonnie Howard Howell as a member of the New York State Hospital Review and Planning Counsel. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The nomination is confirmed.

The Secretary will read.

THE SECRETARY: As a members of the Council on Human Blood and Transfusions Services, Dennis K. Galanakis, M.D., of Stony Brook and David Lynn Wuest, M.D., of New York City.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

THE PRESIDENT: The question is on the confirmation of Dennis K. Galanakis, M.D., and David Lynn Wuest, M.D., as members of the Council on Human Blood and Transfusions Services. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The nominations are confirmed.

The Secretary will read.

THE SECRETARY: Senator Bruno from the Committee on Rules, reports the following bills:

Senate Print 726, by Senator Volker, an act to amend the Criminal Procedure Law and others.

937, by Senator Nozzolio, an act to amend the Correction Law;

3906, by Senator Bonacic, an act to amend the Public Authorities Law;

3907-A, by Senator Bonacic, an act to amend the Public Authorities Law;

3922-B, by the Senate Committee on Rules, an act to amend Chapter 272 of the laws of 1991;

4010-A, by Senator Seward, an act to amend the Tax Law;

4018, by Senator Velella, an act to amend the Education Law;

4140, by Senator Goodman, an act to amend the Tax Law.

4154-A, by Senator Seward, an act to amend the Insurance Law.

4622, by Senator Marchi, an act to amend the Public Authorities Law and the Environmental Conservation Law;

4642-A, by Senator Skelos, an act to amend the Vehicle and Traffic Law;

4714, by Senate Johnson, an act to amend the Vehicle and Traffic Law;

4724, by Senator Volker, an act to amend the Civil Practice Law and Rules;

4851-A, by Senator Bonacic, an act to amend the Private Housing Finance Law;

5073, by Senator McGee, an act in relation to requiring;

5401, by Senator Marcellino, an act to amend the Environmental Conservation;

5552, by Senator Lack, an act to amend the Court of Claims Act;

5572, by Senator Maltese, an act to amend the Election Law;

5604, by Senator Volker, an act to amend the Education Law;

5623-A, by Senator Alesi, an act to authorize.

5633, by Senator Libous, an act to amend the Penal Law.

5641, by Senator Seward; an act to amend the Real Property Law.

5663, by Senator Lack, an act to authorize the Labobovitch Chi Center.

5682, by Senator Bruno, an act authorizing the conveyance.

5688, by Senator DeFrancisco, an act to amend the Vehicle and Traffic Law; and.

5706, by Senator Bonacic, an act to amend the Penal Law.

All bills order direct for third reading.

THE PRESIDENT: Without objection all bills ordered direct to third reading.

Senator Skelos.

SENATOR SKELOS: Move to accept the report of the Rules Committee.

THE PRESIDENT: The motion is to accept the reports of the Rules Committee. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The report is accepted.

Senator Skelos.

SENATOR SKELOS: Madam President, if you take up Calendar Number 1105, by Senator Lack.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1105, Senator Lack, Senate Print 3250-A, an act to amend the Tax Law, in relation to extending the authority.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, we don't need an explanation on this bill.

Senator Breslin, who was forced to leave the chamber for a moment wanted to - has a concern as to whether or not there are home rule messages on these pieces of legislation. And if Senator Lack would yield for a question to let us know whether or not there is a home rule message on this?

THE PRESIDENT: Senator, our rules do not require a home rule message on

these bills.

Senator Lack.

SENATOR LACK: Madam President, nonetheless, you are absolutely right since this is a tax of statewide consequence, no home rule message is required, but Senator Paterson, I am very happy to inform you that indeed, yes, there is a home rule message from Suffolk County indicating their interest, Senator, that if indeed the state did grant Suffolk the continuing right to impose as a local option this state tax they indeed want to continue it and do so and have duly filed such a message with the State Senate. And further, Madam President, the Suffolk County Legislature has filed the required home rule message with the Assembly, which does require a home rule message for purposes of passage of such legislation.

SENATOR PATERSON: Thank you, very much, Senator. Thank you for that answer.

THE PRESIDENT: Senator Paterson, why do you rise?

SENATOR PATERSON: I wanted to

thank Senator Lack for his answer and to just point out that we are not questioning the - Senator Breslin was not questioning the rules. Senator Breslin was simply trying to determine whether or not there is a home rule message.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

Senators Dollinger and Gentile recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Seabrook.

SENATOR SEABROOK: Madam President, with unanimous consent I would like to be recorded in the negative on Calendar Number 1150 and Senate Bill 5801.

THE PRESIDENT: Senator Seabrook, you will be so recorded as voting in the negative.

Senator Hevesi.

SENATOR HEVESI: Madam President,

I rise to request unanimous consent to be recorded in the negative on Calendar Number 1169, Senate Print 5588.

THE PRESIDENT: Senator Hevesi, you will be so recorded as voting in the negative.

SENATOR HEVESI: Thank you.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, just as a point of information, Calendar Number 1150, by Senator Bonacic, was laid aside for the day.

THE PRESIDENT: Thank you, Senator Skelos.

SENATOR SKELOS: If we can call up Calendar Number 1108, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1108, by Senator Libous, Senate Print 3589-A, an act to amend the Tax Law, in relation to extending.

THE PRESIDENT: Senator Paterson, why do you rise?

SENATOR PATERSON: We are

interested on this bill as well, Madam President, to learn whether or not there is a home rule message.

SENATOR SKELOS: Senator Paterson, if I could respond, Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: I have been informed by learned counsel that a home rule request has been received, although not necessary for passage of the legislation.

SENATOR PATERSON: Thank you.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays two. Senators Dollinger and Gentile recorded in the negative.

THE PRESIDENT: The bill is passed.

SENATOR SKELOS: If you could call up Calendar Number 1120, by Senator Rath.

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: Calendar Number 1120, by Senator Rath, Senate Print 3886, an act to amend the Tax Law, in relation to extending.

THE PRESIDENT: Senator Paterson, why do you rise?

SENATOR PATERSON: Though not necessary to pass this legislation, Madam President, nonetheless the heart that is always curious, the need to know, the inquiring minds would like to know whether or not there was a home rule message on this legislation, and if Senator Rath would be so -

THE PRESIDENT: Senator Rath.

SENATOR RATH: For the benefit of the inquiring mind and the heart that needs to know, yes.

THE PRESIDENT: Thank you, Senator. Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays two. Senators Dollinger and Gentile recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Skelos.

SENATOR SKELOS: Madam President, I know that Senator Saland has been anxiously awaiting this moment. Would you please call up Calendar Number 1154, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1154, by Senator Saland, Senate Print 4728, an act to amend the Tax Law, in relation to extending the expiration.

THE PRESIDENT: Read the last section.

Senator Paterson, why do you rise?

SENATOR SALAND: Madam President, if I could anticipate -

THE PRESIDENT: Senator Saland.

SENATOR SALAND: -- Senator Paterson's question.

SENATOR PATERSON: But wait a minute.

SENATOR SALAND: I don't want to rain on your parade, Senator Paterson.

THE PRESIDENT: Senator Saland.

SENATOR PATERSON: As Karnack would say, This is the last question.

THE PRESIDENT: Just a minute, gentleman.

Senator Paterson, please wait for the floor.

Thank you. Senator Saland.

SENATOR SALAND: I think Senator Paterson knows the answer. I wonder if he knows the date. I have a home rule message in my hand dated May 12, from the Columbia County Board of Supervisors in support of this request.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays two. Senators Dollinger and Gentile recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Skelos.

SENATOR SKELOS: Would you please call up Calendar Number 959, by Senator Hannon.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 959, by Senator Hannon, Senate Print 5077, an act to direct the Department of Health, Education Department and Insurance Department to study public access.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: A brief explanation, please.

THE PRESIDENT: Senator Hannon.

SENATOR HANNON: This would require there be a study done, a short term study, for public access for information relating to physicians and other health care professionals.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Thank you,

Madam President.

I really have no questions. We had a chance to look at this bill in the Senate Health Committee.

I have decided after looking at this issue that I am going to vote against this bill. And the reason for that, Madam President, is that I think if you study the information from Massachusetts, which two years ago went to the physician a step ahead of us, I think there is significant evidence that physician profiling and additional information made available to the public can only be a good thing.

There is more information out in the market place now about the conduct of physicians, about professionals of all types; attorneys, accountants, all have to face the fact that information is available, that we are in an information age and there is no reason that I can see why the consumer, the customer, shouldn't have access to that information.

What I hope will actually happen, and I haven't discussed this with the Chairman

of the Senate Health Committee, but we'll eventually get to all that information about HMOs and we have already got it on hospitals. The more information we have in place at least until someone can convince me otherwise, it seems the more information we have out for the consuming public that has to make decisions about who their physician is, the better off we'll be.

I understand the Chair's concern about moving very quickly in this area. I know there are many physicians who are enormously concerned about it, but I think the time has come to make that step that says, whatever the government knows about physicians, whatever they know about physicians privileges, whatever they know about the physicians conduct, whatever the government knows the public should have ready access to.

So I respect the Chairman's position. I am going to disagree with him at this point. I know that that is where he is eventually focused and moving in that direction and I hope we get there if this bill

passes. But at least at this point I am going to beg to differ and I am going to vote against this bill, Madam President.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

THE PRESIDENT: Yes, there is Senator Skelos.

Senator McGee.

SENATOR McGEE: Madam President, on page number 61, I offer the following amendments to Calendar Number 1167, on behalf of Senator DeFrancisco, Senate Print 5573, and ask that said bill retain it place on Third Reading Calendar.

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

SENATOR McGEE: Thank you, Madam President.

THE PRESIDENT: Thank you, Senator McGee.

Senator Skelos.

SENATOR SKELOS: Madam President, there being no further business, I move we adjourn until Tuesday, June 8th at 11:00 a.m.

THE PRESIDENT: There being no further business, the Senate stands adjourned until Tuesday, June 8th, 11:00 a.m.

(Whereupon, at 6:30 p.m., the Senate adjourned.)