NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

October 15, 2001

3:26 p.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

Will everyone present please rise and repeat with me the Pledge of Allegiance to the Flag.

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

ACTING PRESIDENT MEIER: The invocation will be offered by the Reverend Peter G. Young.

REVEREND YOUNG: Thank you, Senator.

Let us pray. Dear God, as we gather to consider the challenging leadership imposed on our Senators today by the consequences of the Ground Zero attack, we call upon Your wisdom, Your guidance and blessings to these legislators and to the efforts to assist them and all of our New York State citizens. Rebuilding from the ashes will be best accomplished by a united effort of all of our citizens.

May our prayers be heard today by You, O God, for Your special compassion for

those who suffer most with the loss of their loved ones. But Your encouragement is needed to show the effectiveness of our government and our ability to pull together to respond to the recovery of our spirit of pride, of being a New York State American.

We ask You to bless this now and forever. Amen.

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, October 14, the Senate met pursuant to adjournment. The Journal of Saturday, October 13, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time if we could adopt the Resolution Calendar, with the exception of Resolution 3252.

ACTING PRESIDENT MEIER: The question is on the adoption of the Resolution Calendar, with the exception of Resolution 3252. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The Resolution Calendar, with exception, is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, there are a number of committee meetings that we're going to have to call. So at this time there will be an immediate meeting of the Judiciary Committee in the Majority Conference Room.

And the Senate will stand at ease.

ACTING PRESIDENT MEIER: Immediate meeting of the Judiciary Committee in the Majority Conference Room.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:30 p.m.)

(Whereupon, the Senate reconvened at 3:47 p.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go back to motions and resolutions, I believe there are two privileged resolutions at the desk by Senator Goodman. I ask that the titles be read and move for their immediate adoption.

ACTING PRESIDENT MEIER: Motions and resolutions.

The Secretary will read the titles.

THE SECRETARY: By Senator Goodman, Legislative Resolution Number 3312, mourning the death of Lewis Rudin, distinguished citizen and devoted member of his community.

ACTING PRESIDENT MEIER: Senator

Goodman.

SENATOR GOODMAN: Mr. President, it's not my normal habit to speak in regard to these resolutions, but today I would like to make an exception, with your gracious indulgence, for just a moment, in regard to the two that you have before you.

Lewis Rudin was an extraordinary New Yorker, a man of immense personal charm and capacity. I don't think there was ever an occasion in which anyone asked him to do something for the City of New York in which he declined to do so.

He was an enormously successful realtor, an owner of many major buildings in New York City, but even more significant, he was a philanthropist of a high order and a real humanitarian. I nicknamed him the "Honorary Mayor of the City of New York" because there was hardly ever an occasion which I attended at which Lew Rudin was not also there to give his support to many worthy causes.

He was an outstanding individual of great warmth and humanitarian instincts, a

person who will be sorely missed in New York. And it's with a great feeling of personal loss that I stand today to salute him and ask the house to pass this resolution unanimously.

Thank you, Mr. President.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

The Secretary will read.

THE SECRETARY: By Senator Goodman, Legislative Resolution Number 3313, mourning the death of Isaac Stern, distinguished citizen and devoted member of his community.

ACTING PRESIDENT MEIER: Senator Goodman.

SENATOR GOODMAN: Mr. President, the name "Isaac Stern" I'm sure is familiar to virtually every member of this house. He was

a distinguished violinist of a high order, an individual whose musical talent alone would have been enough to cause us to salute him.

But above and beyond this, he was a man of amazing characteristics whose personal dedication saved Carnegie Hall from the wrecker's ball many years ago and who was president of Carnegie Hall over several decades, was good enough to provide it with the type of leadership which makes it a preeminent institution in the world of music today.

Isaac Stern was a marvelously warm human being, well known for his interest in training young musicians. As a mentor and dear friend to many, he was also well known and famous for his trip to China, where he worked with youngsters throughout China and gained great goodwill for the United States of America by virtue of his mentoring of those young musicians in China itself.

I knew him as a personal friend over 40 years during the time which I served on the board of Carnegie Hall. And I can only say that his departure leaves a tremendous

gap, both emotionally and in terms of the leadership which he was good enough to provide throughout a long and productive life.

I called him "Supermensch." He was a remarkably fine person, much beloved by all who came into contact with him. I salute him most warmly and shall always carry him in my recollection with the highest esteem and regard and affection.

Thank you, sir.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike

the enacting clause: Senate Number 5505.

ACTING PRESIDENT MEIER: So ordered.

SENATOR HASSELL-THOMPSON: Thank you.

ACTING PRESIDENT MEIER: Senator Skelos.

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

And we'll stand at ease.

ACTING PRESIDENT MEIER: Immediate meeting of the Labor Committee in the Majority Conference Room.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:51 p.m.)

(Whereupon, the Senate stood at ease at 3:55 p.m.)

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, I believe there's a report of the Judiciary Committee at the desk.

I ask that it be read at this time.

ACTING PRESIDENT MEIER: Reports

of standing committees.

The Secretary will read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, reports the following nomination.

As a justice of the Supreme Court of the Second Judicial District, Robert J. Collini, of Staten Island.

ACTING PRESIDENT MEIER: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I rise to move the nomination of Robert J. Collini, of Staten Island, as a justice of the Supreme Court for the Second Judicial District.

We received the nomination from the Governor. The staff of the committee has examined the credentials of the candidate, and they were found perfectly in order. He appeared before the full committee earlier this afternoon, was unanimously moved from the committee to the floor.

And it is with great pleasure that I yield for purposes of a second to Senator

Marchi.

ACTING PRESIDENT MEIER: Senator Marchi.

SENATOR MARCHI: I'm very pleased, Mr. President, to encourage a unanimous response of this distinguished body to this candidacy.

I know Mr. Collini -- Judge Collini it will be very shortly, I trust. And given his background, I believe that he is going to make a distinctive contribution to the deliberations of the Supreme Court.

He has a wonderful academic background: a Phi Beta Kappa student, moved on to various administrative and other responsibilities and responsibilities in the profession with great distinction and with great effectiveness.

And he also found time to be active in the State Guard and to be a member and to attend the War College. Having attended the Naval College, I know that that is a very distinctive body, and it's another aspect of the multifaceted contributions that he brings to the office.

So I encourage you, the record is ample and full, both professionally, social involvement, and great sensitivity to the requirements that are placed on a Supreme Court judge.

So I'm very pleased. I believe I also have another -- I believe Senator Gentile, since he also comes from, knows the area very well, would probably like to say something. So if there's no objection.

ACTING PRESIDENT MEIER: Senator Gentile.

SENATOR GENTILE: Yes, thank you, Mr. President.

I too want to add my voice to that of Senator Marchi's in congratulating the Governor for nominating Robert Collini.

You hope that in nominating someone to the bench you'd find someone who reflects the values and the social and civic involvement in the area in which he will serve. Robert Collini does that to the T.

He has certainly been active in the judicial district in which he will serve, having both in the Brooklyn end of the

district and the Staten Island end of the district. His family, his parents still live in my portion of the district in Bay Ridge, Brooklyn. And certainly he has been active with his family in Staten Island.

In the Bar Association, he served on both the homicide ATB panel and the ATB felony panel, panels which are getting harder and harder for attorneys to serve.

So certainly I believe that Mr. Collini has shown a commitment to the people of the judicial district both in word and deed. So he will be a tremendous asset to our Supreme Court bench.

So certainly I want to commend the Governor and add my voice to that of Senator Lack and Senator Marchi in seconding this nomination.

ACTING PRESIDENT MEIER: Any other member wish to be heard?

The question is on the nomination of Robert J. Collini as a justice of the Supreme Court of the Second Judicial District. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is unanimously confirmed.

Judge Collini is with us in the gallery today. He is joined by his wife, Ann; by his daughter, Victoria; by his parents, Dr. and Mrs. Francis Collini, and by his brothers, John and Joseph Collini.

Justice Collini, congratulations and good wishes for your job.

(Applause.)

ACTING PRESIDENT MEIER: Senator Hannon.

SENATOR HANNON: Mr. President, would you announce an immediate meeting of the Higher Education Committee in the Majority Conference Room and then ask that the Senate stand at ease.

ACTING PRESIDENT MEIER: There will be a meeting of the Higher Education Committee in the Majority Conference Room.

The Senate will stand at ease.

(Whereupon, the Senate stood at

ease at 4:01 p.m.)

(Whereupon, the Senate reconvened at 4:20 p.m.)

ACTING PRESIDENT MEIER: Senator Velella.

SENATOR VELELLA: Mr. President, there will be an immediate meeting of the Finance Committee in the Senate Conference Room.

ACTING PRESIDENT MEIER: Immediate meeting of the Finance Committee in the Majority Conference Room.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 4:21 p.m.)

(Whereupon, the Senate reconvened at 4:53 p.m.)

ACTING PRESIDENT MEIER: Senator Skelos.

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

ACTING PRESIDENT MEIER: Reports

of standing committees.

The Secretary will read.

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

As a member of the Board of Trustees of the State University of New York, Gordon R. Gross, Esquire, of Amherst.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Mr. President, we again have a fine, an excellent group of nominees.

And it's a pleasure for me on the first nominee to yield to the Senator from the west, Senator Rath.

ACTING PRESIDENT MEIER: Senator Rath.

SENATOR RATH: The Senator from the west? Senator Stafford, thank you. I didn't wear my cowboy boots today. But if that's what I'm going to be, I guess I'll have to look the part.

But it gives me a great deal of pleasure to rise and to second the nomination

of Gordon R. Gross as a trustee of the SUNY Board of Trustees. Mr. Gross is here with us today in the gallery, and Mr. Gross and I have been friends for a very long time.

And if you've had the pleasure of looking over the resume that was sent through in the formalities of the nomination, you would see that there wouldn't be anyone much in Western New York that would not have known Mr. Gross, because there aren't too many organizations that he hasn't been a part of. From the arts community to the philanthropic community to the education community to the legal and business community, Mr. Gross has been there in all of them and served with distinction, and usually as a chairman or in a position of responsibility in the organizations.

Which brings me to the point that I want to make when I urge you all to support Mr. Gross. For one thing, I was reminded by Senator Stavisky that it's important to have SUNY graduates. And I would like to thank you, Senator Stavisky, for reminding me. And yes, Mr. Gross is a graduate of SUNY, and so

am I. And I think that we all kind of feel a camaraderie for really understanding SUNY.

But Mr. Gross said clearly when he was interviewed by the Higher Education Committee about his interest in moving the system forward and looking to the interactions of the various parts of the SUNY system. And I think because of the depth of his experience in our community and around throughout various parts of the state with the organizations that he is perfectly qualified to do just that.

I look forward to working with him and recommend him to you for your consideration.

ACTING PRESIDENT MEIER: Senator Volker.

SENATOR VOLKER: I'll be very brief.

Gordon Gross is an old friend who is a constituent of Senator Rath's. He's one of the most distinguished lawyers in the Western New York area.

As I said at the committee meeting, he's probably got one of the biggest hearts really in Western New York. He's been

contributing to all sorts of charities and groups in Western New York. And there's no question that he'll make an excellent member of the Board of Trustees of SUNY.

So I highly commend the Governor and wish Gordy good luck.

ACTING PRESIDENT MEIER: Any other member wish to be heard on the nomination?

If you want to be heard on these, please make yourself known to the chair so I can recognize you.

Senator Lachman.

SENATOR LACHMAN: Mr. President, thank you kindly.

I am at a disadvantage of not having known the nominee before the Higher Education and the Finance Committee met today.

I just want to reiterate one point and make a suggestion that I did not make at the committee. Last year and the year before, there were anti-Semitic and anti-Asian incidents occurring at one of the major SUNY campuses in the State of New York. Fortunately, the governor and the chancellor

and the chairman of the Board of Trustees acted immediately, and over a period of weeks these incidents stopped occurring.

However, we are now basically in a state of war. This is not a terrible act, it's a terrorist act, it's an act of war. And in some campuses throughout the country, there have been some minor incidents against people of different ethnic, racial, and religious groups.

And I would suggest to Mr. Gross, especially because his background has also been involved in intergroup relations and interfaith relations, as well as a superb background in law, that he suggest to his colleagues on the SUNY Board of Trustees that they promulgate regulations now, in anticipation -- and we hope and pray this will never occur -- that there might be some incidents at the largest state university in the United States as an after-effect to the terrible tragedy that occurred on September 11th.

It's always better to act based upon regulations that exist than react to

regulations that don't exist when we have hatred on campus, and at the same time attempt to preserve the civil liberties and civil rights that make our society unique in the nation.

Thank you.

ACTING PRESIDENT MEIER: All those in favor of confirming Gordon G. Gross as a member of the SUNY Board of Trustees signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Mr. Gross is with us today in the gallery.

And we welcome you, sir, and wish you well with your important duties.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: As a member of the Industrial Board of Appeals, Kristin A.

Mackay, of Rocky Point.

ACTING PRESIDENT MEIER: Senator LaValle.

SENATOR LAVALLE: Mr. President, it gives me great pleasure to rise to move the nomination of Kristin Mackay.

First let me say that I commend the Governor for this appointment. Kristin is a very bright, articulate person who's been involved in government, understands the dynamics of government, policy-making, and more importantly, I think, how stakeholders interact in the process.

So she will make an excellent member of the Industrial Board of Appeals, and I move her nomination.

ACTING PRESIDENT MEIER: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I rise to also second the nomination of Kristin A. Mackay of Rocky Point. She has worked for our county executive, Bob Gaffney. Suffolk County has done an excellent job.

As a former chair of the Labor Committee, I'm very happy that a nice local person from Suffolk County will now be sitting on the Industrial Board of Appeals. It is an organization that requires a great understanding of people, their interactions and how they work and the work to be done.

And I think the Governor has made an excellent choice by her appointment to the Board of Appeals, and I certainly look forward to observing and watching the work she does on that board.

And particularly since it's a part of the Department of Labor, and of course the commissioner to the Department of Labor is another old local Suffolk County -- I don't want to say old, I'll get killed -- Suffolk County person, and they will work very well together.

So congratulations to a very good appointment.

ACTING PRESIDENT MEIER: The question is on the confirmation of Kristin A. Mackay as a member of the Industrial Board of Appeals. All those in favor signify by saying

aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is unanimously confirmed.

Kristin Mackay is with us today in the gallery. She is accompanied by her husband, Frank Mackay.

And we welcome you and your husband, and we wish you well with your duties as you are confirmed today. Thank you.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As Major General, New York Air National Guard, Thomas P. Maguire, Jr., of Walden.

ACTING PRESIDENT MEIER: Senator Larkin.

SENATOR LARKIN: Mr. President, it's indeed an honor and privilege for me to be here today putting forth the nomination of General Maguire to be the commander of the

New York State Air National Guard.

I've had the privilege of knowing General Maguire for over 20 years. This is an individual that upon completing of his ROTC training at Holy Cross, he entered in the United States Air Force.

General Maguire distinguished himself in combat in Vietnam. Returning home, he distinguished himself again by joining a guard unit. He proceeded in that guard unit from the bottom up.

He commanded, prior to this assignment, the 105th Air Guard at Stewart. So most of us in the Hudson Valley are well aware of him.

General Maguire is considered one of the topnotch pilots in America -- over 5,000 hours. When we were talking a couple of years ago about some problems in the Caribbean area due to typhoons, hurricanes, the airlift responsibility came to then Colonel Maguire and later General Maguire.

During Desert Storm, his troops were the first called upon to the airlift. They're now today called upon to support us in

our latest venture.

General Maguire is the type of an individual that is what we call a soldier's soldier. You can't find any person that served with him in the 105th or, in his younger days, in the squadron who wouldn't look upon General Maguire and say: "Maguire is with us, we can't go wrong. We have a leader."

When the ambassador to one of our neighboring countries came to Stewart a year and a half ago, he didn't seek out the governor, he didn't seek out Vinnie Leibell and John Bonacic or me. He said, "How can I get in touch with General Maguire?" He said, "Because I want to tell him that without his energetic ideas, our people would have starved."

The problem was that some people in Washington wanted to use great big large aircraft to go down into a country whose airfields had been washed away. General Maguire's people put together a plan so that the large aircraft could go to another area within the country and then be reloaded on

smaller aircraft so they wouldn't have to be dropped and the cases broken and everything, and the project was completed on time.

And what he said was, "I'm honored to know you." And, you know, that comes from an ambassador. Who doesn't deal with me, doesn't deal with General Maguire, but had the decency and courtesy to make a personal trip to Stewart to seek out General Maguire and express appreciation of this country.

If you look at his distinguished record that every one of you have on your desk, you will see that here is a gentleman who has given his whole life to our armed forces. And when the general was selected by the Governor to be the adjutant general, many of us were pleased -- some sad, because he wouldn't be around Stewart as much.

But just looking since the 11th of September, with his oversight of SEMA and what they've done and what his troops have done and what role they played at Stewart, we're fortunate to have a man so distinguished and totally committed, and, yes, to the sacrifice of his family, because he took an oath for

this country. And now he has taken the next step in his career to be the adjutant general of this state.

We are very fortunate that this individual would want to take on this assignment at these dark days of our country. I'm honored to put forward the nomination of General Maguire to be the adjutant general of the State of New York.

ACTING PRESIDENT MEIER: Senator Leibell.

SENATOR LEIBELL: Thank you, Mr. President. I'm very pleased to join with my colleague Senator Larkin to speak on this nomination.

I have had the good fortune to know General Maguire and his family for probably over 25 years. I knew his dad, who was one of the preeminent builders in the state of New York. I know many of his siblings. I know what a wonderful family they are. I also know what a fine military person this has been.

We have always known how important the position of adjutant general is. We have

also known of the many crises in which we have called upon our national guard and reserves in New York State in the past. For the last few weeks we have seen just how critically important this force is, as a domestic force and as a force for our foreign ventures as well.

We have here the name that the Governor has submitted to us of a person of the highest standards. We are very, very fortunate and very blessed. I think for any person in this state who has a son or daughter who has the good fortune and the honor to wear our country's uniform, they can have the greatest confidence in our leader, General Maguire. He had served us well in the past and he will continue to do so in the future.

I move his nomination.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard?

The question is on the confirmation of Thomas P. Maguire, Jr., Major General, New York State Air National Guard. All those in favor of the confirmation signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is unanimously confirmed.

General Maguire is with us today in the gallery.

And we congratulate you, sir, and wish you well with your duties, which are, we're sure, all-consuming for you at this difficult time. And we wish you and our country well.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As a member of the Dormitory Authority, John B. Johnson, Jr., of Watertown.

As a member of the New York State Project Finance Agency, David M. Ahlers, of Ithaca.

As banking members of the State Banking Board, E. Peter Forrestel, II, of Akron; David C. Mancuso, of Dunkirk; and

Thomas E. Hales, of Briarcliff Manor.

As a member of the Small Business Advisory Board, Robert M. Federico, of Yorktown Heights.

And as commissioner of the State Insurance Fund, Charles L. Loiodice, of Woodbury.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Move the nominations.

ACTING PRESIDENT MEIER: Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

I look forward to seconding the nomination of John B. Johnson, Jr., as a member of the Dormitory Authority. I think if you take a look at Mr. Johnson's resume, you'll see that it speaks for itself.

But I simply want to address one issue, and that is to commend the Governor for his nomination of Mr. Johnson and his recognition of the Johnson family. For John Johnson, Jr., happens to be the third

generation of Johnsons nominated by previous governors, confirmed previously by the Senate, and having served three generations: First, his grandfather, who was one of the original members of the Dormitory Authority; followed by his father, who then served 44 years as a member of the Dormitory Authority, 20 of those years as chairman; and now, of course, the nomination of John Johnson, Jr., who I believe will have an equally long and distinguished tenure serving the people of New York State.

And this is not simply limited to the Dormitory Authority, but I would note, Mr. President, for the record, that Mr. Johnson's mother, Mrs. Katherine Johnson, has served under five different governors as a member of the New York State Parks and Recreation Commission serving the Thousand Islands.

So we have a family here who has served the North Country well, as well as the State of New York. And it's my pleasure to second the nomination.

Thank you.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard?

The question is on the confirmation of the nominees. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominees are confirmed.

Senator Rath.

SENATOR RATH: Mr. President, the Senate will stand at ease.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 5:10 p.m.)

(Whereupon, the Senate reconvened at 6:12 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: If we could return to motions and resolutions, there's a privileged resolution at the desk by Senator DeFrancisco. I ask that the title be read and

move for its immediate adoption.

ACTING PRESIDENT MEIER: Motions and resolutions.

The Secretary will read.

THE SECRETARY: By Senator DeFrancisco, Legislative Resolution Number 3314, congratulating Michael T. Barry upon the occasion of his retirement after many years of distinguished service.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, Senator Bruno has requested a conference of the Majority to begin at 6:20 which will last approximately a half hour.

ACTING PRESIDENT MEIER: There will be a conference of the Majority at 6:20

in the Majority Conference Room.

SENATOR SKELOS: Mr. President, if we could stand at ease.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 6:14 p.m.)

(Whereupon, the Senate reconvened at 8:02 p.m.)

ACTING PRESIDENT McGEE: Senator Skelos.

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

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

We'll stand at ease.

(Whereupon, the Senate stood at ease at 8:03 p.m.)

(Whereupon, the Senate reconvened at 8:12 p.m.)

ACTING PRESIDENT McGEE: Senator Skelos.

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

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bill direct to third reading: Senate Print 5810, by the Senate Committee on Rules, an act to amend Chapter 405 of the Laws of 1999.

ACTING PRESIDENT McGEE: Senator Skelos.

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

ACTING PRESIDENT McGEE: All in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The

report is accepted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could take up the Rules report at this time.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 1480, by the Senate Committee on Rules, Senate Print 5810, an act to amend Chapter 405 of the Laws of 1999.

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

ACTING PRESIDENT McGEE: There is a message at the desk, Senator Skelos.

SENATOR SKELOS: Move to accept the message.

ACTING PRESIDENT McGEE: All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The motion is accepted.

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT McGEE: Announce the results.

THE SECRETARY: Ayes, 55. Nays, 3. Senators Dollinger, Duane, and Padavan recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT McGEE: No, there is none.

SENATOR PADAVAN: I love loft tenants. Will the record please show that.

(Laughter.)

SENATOR SKELOS: Madam President, there being no further business to come before the Senate, I move we adjourn until the call of the Majority Leader, intervening days being

legislative days.

ACTING PRESIDENT McGEE: On motion, the Senate stands adjourned until the call of the Majority Leader, intervening days being legislative days.

(Whereupon, at 8:14 p.m., the Senate adjourned.)