NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 26, 2004

3:04 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 please come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

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

THE PRESIDENT: With us once again this afternoon to give the invocation is the Reverend Peter G. Young, from Blessed Sacrament Church in Bolton Landing, New York.

REVEREND YOUNG: God never fails to provide our New York State citizens with dedicated Senators. May God pour forth His blessing on our legislators and provide them with the spirit of courage to accept the many demands of their elected office.

We ask You this in Your name, now and forever. Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Saturday, April 24, the Senate met pursuant to adjournment. The Journal of Friday, April 23,

was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Madam President, on page 38 I offer the following amendments to Calendar Number 542, Senate Print 4373A, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR DeFRANCISCO: Also, on page 41 I offer the following amendments to Calendar Number 615, Senate Print Number

3045A, and also ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR DeFRANCISCO: Thank you.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, are there any substitutions at the desk?

THE PRESIDENT: Yes, there are, Senator.

SENATOR SKELOS: If we could make them at this time, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 5, Senator Libous moves to discharge, from the Committee on Mental Health and Developmental Disabilities, Assembly Bill Number 9757 and substitute it for the identical Senate Bill Number 6829, First Report Calendar 806.

And on page 29, Senator Spano moves to discharge, from the Committee on Labor, Assembly Bill Number 8264 and substitute it

for the identical Senate Bill Number 3607, Third Reading Calendar 346.

THE PRESIDENT: Substitutions ordered.

Senator Skelos.

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

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senator Seward, from the Committee on Insurance, reports the following bill direct to third reading:

Senate Print 7181, by Senator Seward, an act to amend the Insurance Law.

THE PRESIDENT: Without objection, the bill is reported direct to third reading.

Senator Skelos.

SENATOR SKELOS: Madam President, there's a resolution at the desk, 4460, by Senator Malcolm Smith, which was previously adopted. Could we please have it read in its

entirety at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Malcolm Smith and all members of the Senate, Legislative Resolution Number 4460, memorializing Governor George E. Pataki to proclaim April 2004 as "Autism Awareness Month" in the State of New York.

"WHEREAS, It is the sense of this Legislative Body to memorialize Governor George E. Pataki to proclaim April 2004 as 'Autism Awareness Month' in the State of New York; and

"WHEREAS, Autism, the third most common developmental disability in the United States, is an affliction occurring in children before the age of 3, recognized by unresponsiveness to human contact, deficits in language development, and peculiar reactions to environmental stimuli; and

"WHEREAS, Affecting over 26,000 people in the State of New York, the cause of autism is unknown and is the result of a neurological disorder. One in 500 children

will be diagnosed with autism. Autism knows no racial, ethnic or social boundaries, and is four times more prevalent in boys than girls. Autism interferes with the normal development of the brain in the areas of reasoning, social interaction, and communication skills, causing those persons with autism to have difficulty relating to others; and

"WHEREAS, Over the past thirty years, significant progress has been made in the area of research, medicine, diagnostic issues, and therapies for autism, resulting in improved quality of life for those with autism and their loved ones; and

"WHEREAS, It is in the interest of New York State to recognize the achievements made and to continue these efforts by promoting the awareness and fostering the understanding of autism; and

"WHEREAS, 'Autism Awareness Month' has been recognized nationally since 1996; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor George E. Pataki to proclaim

April 2004 as 'Autism Awareness Month' in the State of New York, and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Honorable George E. Pataki, Governor of the State of New York, the Autism Coalition of the Empire State, and the National Alliance for Autism Research."

THE PRESIDENT: Senator Malcolm Smith.

SENATOR MALCOLM SMITH: Thank you, Madam President.

And let me first thank, obviously, my leader, Senator Paterson, who allowed me to be at the forefront of this particular issue and this particular disability that has begun to impact so many of the families around this state and around the city.

And we also thank all of my colleagues. As was read, the entire Senate has supported this resolution in its entirety. It was adopted last week with unanimous consent, and that is very appreciative to myself and to so many families around the State of New York.

I don't know, Madam President, if people are aware of autism and just what it does to an individual family, the challenge that it presents to a family, the fact that it is something that is represented in families all across this state. Autism has no boundaries whatsoever, whether it's regional -- it has no racial boundaries, it has no religious boundaries. It affects families from all over the entire State of New York.

It's increasing at an alarming rate, they say almost 16 to 17 percent of families throughout this state. It increases every year. The number in the State of New York is close to 26,000 families. They say one in every 1,000 families has someone afflicted with this particular disorder around the country, and within the state it's somewhere between 1 in 500. And that's based on the reported numbers. There's also some statistics that say it's down to as much as 250.

We have had a day today where a number of advocates have been up here, in

particular who is in the gallery, Andrew Bauman, and his wife as well, Pam, the family -- Andrew, Anthony, Amanda, Laura, and Brian are here also. I see them smiling up there. Yeah, we're talking about you.

But also the good councilman from Queens, Councilman Monserrate, who also has a family member who is also afflicted with this disorder.

We had a number of constituents, in particular from Senator DeFrancisco's district, a young lady by the name of Colleen Ayres says that the Senator knows her very well. Senator Farley, a young lady by the name of Katherine Canavan says that you've gotten enough letters from her, and she's very appreciative of all that you've done.

Also, on my side of the aisle, Senator Montgomery, Senator Dilán, Senator Hassell-Thompson.

And I'm saying that just to say that this is a particular disorder that everyone is affected in almost every district throughout the state.

We have had an opportunity to speak

to the Governor's representative around some of the bills which Senator Fuschillo has introduced on our side, Assemblyman Weisenberg in the Assembly. It goes to the insurance matter, goes to the education matter.

And I just believe, Madam President, that this is a particular disorder that if we can just raise the awareness -- most people look at this as something that they saw, whether it was the "Rain Man," in terms of that particular movie -- it's just something that doesn't impact on them. It's a disorder that some people feel that they don't pay attention to because it can happen at any time during their child's growth.

And we need to understand, Madam President, that this is a particular disorder that needs the attention. Some of these children are very bright, their IQs are very bright. And unfortunately, because of that, there's actually been recommendations that they stop giving their particular child medication so that their performance level decreases so that they can then be allowed to have the particular insurance cover that

particular disorder, which I think is a sad commentary.

I believe, Madam President, that this day, this month the Governor will proclaim that autism month is here and that every month should be focused on this particular disorder. It is my hope, Madam President, that this year the legislative matters that are before both houses is voted upon and that we will be able to leave this session proudly saying that yes, we dealt with education, yes, we dealt with the Medicaid issue, yes, we dealt with a budget that has a great deal more money available for different initiatives that need to be financed.

And I hope that we will then also allow for this particular disorder to be addressed so that the many families that are here today -- Andrew, we appreciate all that you're doing, and your wife; Councilman Monserrate -- so that they can leave here today, get back to the city, get back to their different places around the state -- DeFrancisco's district as well as Farley's district, Senator Hassell-Thompson's

district -- and tell their families that we have raised this awareness, we are doing something about it.

Again, I want to thank my leader, Senator Paterson, for helping me raise the attention to this. I appreciate all my colleagues as well, for their attention, as this is a matter that is important to every single member of the state, the Governor included.

Thank you very much, Madam President.

THE PRESIDENT: This resolution was previously adopted by the Senate on April 20th.

Senator Skelos.

SENATOR SKELOS: Thank you, Madam President. There's a resolution at the desk, 4621, by Senator Flanagan. Could we please have it read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Flanagan, Legislative Resolution Number 4621,

congratulating Suffolk County Community College Michael J. Grant Campus upon capturing first place in the 2004 New York State Speech and Debate Championship.

"WHEREAS, It is the intent of this Legislative Body to commend and pay tribute to those young people who, by achieving outstanding success in educational competition, have inspired and brought pride to our majestic Empire State; and

"WHEREAS, the Suffolk County Community College Michael J. Grant Campus Speech and Debate Team was once again victorious at the 2004 New York State Championship in Speech and Debate held at Hofstra University. This is the second straight year that the team has won this prestigious title; and

"WHEREAS, In 2003 Suffolk County Community College (SCCC) was the very first community college to earn this title during the tournament's 58 consecutive years of operation; and

"WHEREAS, A team of unusually gifted and capable students is guided by the

coach of the team, Christopher Holfester, a professor of communications at SCCC who, while he was a student at Plattsburgh State, was a member of two championship teams; and

"WHEREAS, SCCC also finished the tournament with two individual state champions. Christian Casciola was the New York State Champion in Persuasive Speaking, and Ron Staniec won the State Championship in Oral Interpretation of Literature. This marks the third year in a row that SCCC has won the State Championship in Persuasive Speaking"; and

"WHEREAS, In April 2004, two students from SCCC forensics reached semifinals at the National Speech Tournament in Woodland Hills, California. David Dickinson won a bronze medal in Programmed Oral Interpretation, while Ron Staniec earned a bronze medal in Poetry Interpretation; and

"WHEREAS, Speech and debate, known as forensics, is the oldest academic subject still taught in colleges and universities today. Coined by Aristotle, "forensics" means speaking for judgment, or competitive

speaking. The dedicated team members are carrying on this proud tradition and have received recognition and joy in their accomplishments; and

"WHEREAS, The 2004 SCCC Speech and Debate Team members include David Dickinson, Elizabeth Arcuri, Nancy Hernandez, Megan Gilroy, Joanna Montanez, Ron Staniec, Corey Morgan, Cindy Zeis, Jennifer Capotorto, Christian Casciola, and Elvira Sarkisyan; and

"WHEREAS, It is the sense of this Legislative Body to commend these young scholars in recognition of their uncommon dedication, perseverance and accomplishments, and wish them a future of purposeful success and well-being; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate Suffolk County Community College Michael J. Grant Campus upon capturing first place in the 2004 New York State Speech and Debate Championship; and be it further.

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the aforementioned team members and Coach

Christopher Holfester."

THE PRESIDENT: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Madam President.

Madam President, I have the unique opportunity today to offer two privileged resolutions, and there's a complement and a distinction between the two of them.

First, we have the debate team, the forensics team, speech and debate, speaking for judgment. And they are state champions two years in a row, three years in a row in persuasive speaking.

We have students who have gone on to higher accolades in regional and national competitions. And we ended up having them up here today after we found out about the efforts of the basketball team.

So I'm very happy that the debate team was able to join us today. And we have the perfect combination of academics and athletics.

Now, we all want to stand for higher education. We all talk about our community colleges, we talk about the SUNY

system. We were joined by Chancellor King earlier today. This is a great achievement, not only for the college but certainly for all these individuals in their own right.

And I looked at some of the things that they get involved in. They are doing dramatic interpretation, poetry interpretation, prose, oral, duo interpretation, reader's theater, limited preparation events. And I believe it was Christian who won an individual award in persuasive speaking.

And if we pay attention to nothing else, as people who are involved in government and certainly electoral politics, part of what we try and do every day is engage in persuasive speaking.

So to Coach Holfester, who is a Plattsburgh graduate, was involved when he was attending the SUNY system, I wanted to join with my colleagues from Suffolk County and congratulate the debate team for their efforts not only last year but this year and moving forward.

And I had a chance to chat with at

least Megan in a little detail. She transferred from St. John's, came right over to Suffolk, and is now on a championship team. That speaks well for the college and for Dr. Pippins, the new president of the college.

And I firmly believe that this is the kind of thing we should be highlighting quite a bit. And I'm very proud to say that the Selden campus happens to be in the district I represent, where the boy's basketball team hails from. And the Brentwood campus is also part of Suffolk County. It's unique, because the community college is represented by Senator LaValle, Senator Johnson, Senator Trunzo, and in my area as well. So it's a very big campus, and we have many, many students. But we also have some champions seated with us here today.

So congratulations to them, to their coach. We're very proud of you. And keep up the good work. And I'm very proud to have you here today in Albany.

Thank you.

THE PRESIDENT: Senator LaValle.

SENATOR LaVALLE: Thank you,

Madam President.

This chamber has consistently felt very passionate about the community colleges. Year after year, we have provided funding, we've worked with our local presidents to make sure that each and every one of the campuses can be all that it can be.

Community colleges are so important to us because it's the gateway to higher education for people that live in our community. Today we have the opportunity, those of us who represent Suffolk County, to really be very, very proud of the accomplishments -- great accomplishments, really -- of both the debate team and the basketball team that, back to back, have won championships and displayed to everyone that students at the community college are every bit as competitive, every bit as bright as anyone else attending any other school in our nation.

Today the debate team is, through the resolution that Senator Flanagan and the other Senators are sponsoring, they're talking about that pride of their accomplishments and

winning over elite four-year institutions. Our basketball team, winning 52 straight games, two national championships.

And so we are proud of them. They should be proud of themselves. And certainly the legislators from Suffolk County and the 1.4 million people of Suffolk County are indeed proud of the community college called Suffolk Community College, its faculty, the coaches that are involved, and certainly our students.

Congratulations to you.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Madam President, I'd like to add my voice to the accolades being heaped upon these young men and women from our district in the Suffolk Community College. I take great pride in what the college has done in recent years. And the college has not done it, but they have helped to expedite the victories of our basketball team and our debate team.

I would say that certainly the coaches deserve a lot of credit, the youngsters deserve a lot of credit. I'm very

proud to know that six members of my district -- from Copiague, Bay Shore, Babylon, Deer Park, Lindenhurst -- are also on this team and shared in the glory of the debate victory. I might say, over NYU, another college where my son happened to go at a very high price. He thought he got a better education.

I think community colleges have really proved that they can educate as well as anybody if the youngsters are interested in learning. So I'm very proud of them.

Suffolk Community has also been very cooperative in the first robotic competition. You may be aware of that; it was held on the campus several weeks ago. And we've had winners among all of our school districts and regional and national championships.

So a lot of things are going on in the community colleges. We're very proud of you and your accomplishments and the administration and the coaches who have helped to get you to this fine point. And I'm glad you're here.

Thank you.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

I have the best of both worlds in this particular situation; I represent parts of both Nassau and Suffolk County. And it's a pleasure to stand and salute the young men and women of Suffolk County Community College for their achievements. I join with my colleagues from Suffolk County in doing that.

And if anyone has any doubt -- and we hear it all the time in the media that our younger generation is not quite what it once was, it's somehow less than it once was. Well, I just point to young people like this. This is the future. They're doing a great job. They're going to move ahead. And they're going to be the leaders of tomorrow because they've proven they can do the job.

We're just hoping down here that they don't decide to run for public office too soon. You can put that off for a while, okay? Go ahead and do your thing. You're doing a

great job. And God bless and good luck in the future.

THE PRESIDENT: Senator Trunzo.

SENATOR TRUNZO: Not to repeat what's already been said -- I already addressed the group this morning and went through the accolades that were necessary for this great group of kids, of young people who have really done an outstanding job and are very proud of the -- having four members in both categories who are being honored today as part of the entire thing.

Suffolk Community College, the Brentwood Campus is in my district and Senator Johnson's district. Because I live in Brentwood and a few of those come from Brentwood, which made me very proud for Brentwood, Central Islip, Patchogue and East Patchogue, the areas I represent.

And with that, I just want to congratulate them publicly for the accomplishments that they have done and really wish them well. And I'm sure they will survive in the future and be really citizens of this country that we can all be proud of.

Thank you.

THE PRESIDENT: Does any other member wish to be heard?

All in favor of the resolution please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is hereby adopted.

Congratulations.

(Applause.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, there's a resolution at the desk, 4622, by Senator Flanagan. Could we have it read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Flanagan, Legislative Resolution Number 4622, congratulating the Suffolk County Community College Men's Basketball Team and Coach Rich Wrase upon the occasion of capturing the 2004

NJCAA Division III Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success, and developing a sense of fair play and competition; and

"WHEREAS, The Suffolk County Community College Men's Basketball Team are the 2004 NJCAA Division III Champions; and

"WHEREAS, The Suffolk County Community College Clippers won the NJCAA Championship for the second consecutive year by defeating Eastfield College (Texas) 83-81 in overtime, at SUNY Delhi, the traditional site of the Division III Championship Tournament; and

"WHEREAS, The Clippers were led by

Tournament MVP Maurice Manning, with 21 points, and Marcele Street, who was named to the All-Tournament Team, with 11 points and 10 rebounds; and

"WHEREAS, In addition, the Suffolk County Community College Men's Basketball Team completed the season with a 34-0 record and has the longest winning streak in the nation. The Clippers will enter next season with 52 straight wins, the fourth longest streak in junior college basketball history; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Rich Wrase and his team of outstanding assistant coaches, skilled and inspirational tutors respected for their ability to develop potential into excellence; and

"WHEREAS, The team's overall record is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, The hallmarks of the Suffolk County Community College Men's

Basketball Team, from the opening game of the season to participation in the championship, were a brotherhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none; and

"WHEREAS, Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school; and

"WHEREAS, Coach Rich Wrase and his staff have done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coach Rich Wrase and his outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Suffolk County Community

College Men's Basketball Team, its members -- Greg Cerillo, Justin Hubbard, Vernon Alonzo, Antwan Foster, Aaron Cummings, Amiel Thomas, Alvin Dennis, Joseph Thomas, Antonio Taylor, Dave Maldonado, Anton Cheese, Marcell Bryant, Marcele Street, and Maurice Manning -- Assistant Coaches Pat Policastro, Eric Brown, and Jim McGowan, and Coach Rich Wrase, on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Suffolk County Community College Men's Basketball Team and to Coach Rich Wrase."

THE PRESIDENT: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Madam President, again.

This is the second resolution, as I mentioned earlier, for the national champions. And I want to repeat that, national champions two years running, 52-game winning streak. They will enter next year with that streak intact. We hope that they will continue to go on. I believe it's the fourth longest streak in collegiate history. And it is obviously

something the community college is again very proud of.

And we wanted to bring these young men up, and their coaches, because I know, and I had expressed this earlier today, we did have a national champion here from the State of New York not too long ago, Syracuse University, and we thought it was appropriate that if they're going to be congratulated that we should be taking time out and making sure that we are applauding their individual efforts and their collective efforts as a team for their national recognition.

But I do want to add they had an exciting season. They had three overtime wins, including the championship game. And their win was 83-81. And certainly they had a 21-point lead. It sort of dwindled away in the second half, a little trouble with the foul shooting. But we know that in the end that they prevailed in the overtime.

Hey, look, I read it all in the paper, so I'm only repeating what I heard in the media.

The bottom line is, it's still a

52-game winning streak. And it all comes together as a team. And I know that, you know, again, my colleagues certainly want to add their voices to this.

And we also are joined by Athletic Director Art Del Duca, who obviously works with Clippers on a daily basis.

And that's it, folks. I just wanted to make sure that we make a congratulatory note for all of these people, because they certainly deserve it.

And as Senator Flanagan said previously, this is a great opportunity looking forward. Take this, enjoy what you've done to this point, but use it as an opportunity to grow and continue to prosper academically and otherwise.

Thank you, Madam President.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is

adopted.

(Standing ovation.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, if we could go to the noncontroversial reading of the calendar at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 24, by Senator Larkin, Senate Print 1189, an act to amend the Vehicle and Traffic Law, in relation to authorizing the City of Newburgh.

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, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 451, by Senator Rath, Senate Print 3572, an act to amend the Domestic Relations Law and

the Family Court Act, in relation to the child support obligation.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 463, by Senator Maziarz --

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT MARCELLINO: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 477, by Senator Fuschillo --

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT MARCELLINO: The bill is laid aside set for the day.

THE SECRETARY: Calendar Number

570, by Senator LaValle, Senate Print 825A, an act in relation to authorizing The Place For Learning, Incorporated, located in the Town of Riverhead.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 588, by Member of the Assembly Wright, Assembly Print Number 9925, an act to amend Chapter 92 of the Laws of 2001.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 622, by Senator Morahan, Senate Print 1034A, an act to amend the Penal Law and the Criminal Procedure Law, in relation to fixing sentences.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MARCELLINO: The bill is laid aside.

THE SECRETARY: Calendar Number 627, by Senator McGee, Senate Print 3315A, an act to amend the Criminal Procedure Law, in relation to eligibility for youthful offender status.

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MARCELLINO: The bill is laid aside.

THE SECRETARY: Calendar Number 648, by Senator Marcellino, Senate Print 6119A, an act in relation to authorizing the Huntington Hebrew Congregation to file an

application.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 653, by Senator Skelos, Senate Print 6384A, an act to authorize the Shiloh Baptist Church to file an application.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 685, by Senator Larkin, Senate Print 1185, an act to amend the General Municipal Law, in relation to establishing the Village of Kiryas Joel Industrial Development Agency.

ACTING PRESIDENT MARCELLINO: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 685 are Senators Duane, L. Krueger, and Stachowski. Ayes, 51. Nays, 3.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 686, by Senator Meier, Senate Print 1276A, an act to amend the Town Law, in relation to increasing the amount that may be appropriated.

ACTING PRESIDENT MARCELLINO:

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 690, by Senator DeFrancisco, Senate Print 6447, an act to amend Chapter 306 of the Laws of 1998.

ACTING PRESIDENT MARCELLINO: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number

691, by Senator Seward, Senate Print 6554, an act to legalize, validate, ratify and confirm certain actions taken by the Village of Richfield Springs.

ACTING PRESIDENT MARCELLINO: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Skelos, that completes the reading of the noncontroversial calendar.

SENATOR SKELOS: Thank you, Mr. President. If we could go to the controversial reading of the calendar.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 622, by Senator Morahan, Senate Print 1034A, an act to amend the Penal Law and the Criminal

Procedure Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the first of November.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52. Nays, 2. Senators Dilán and Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 627, by Senator McGee, Senate Print 3315A, an act to amend the Criminal Procedure Law, in relation to eligibility for youthful offender status.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52. Nays, 2. Senators Andrews and Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Skelos, that completes the reading of the controversial calendar.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Shortly, we will be calling a meeting of the Finance Committee.

But at this time, is there any housekeeping at the desk?

ACTING PRESIDENT MARCELLINO: Yes, there is, Senator. We have a motion.

Senator Fuschillo, please.

SENATOR FUSCHILLO: Thank you, Mr. President. On behalf of Senator Larkin, on page number 32 I offer the following amendments to Calendar Number 419, Senate Print Number 5868, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: So ordered.

Senator Skelos.

SENATOR SKELOS: Recognize Senator Hassell-Thompson, please.

ACTING PRESIDENT MARCELLINO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. I request unanimous consent to be recorded in the negative on Calendar Numbers 622 and 627.

ACTING PRESIDENT MARCELLINO: Without objection, so ordered.

SENATOR HASSELL-THOMPSON: Thank you.

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

ACTING PRESIDENT MARCELLINO: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:40 p.m.)

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

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Please recognize Senator Bonacic.

ACTING PRESIDENT MARCELLINO: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

I ask for unanimous consent to be recorded in the negative on Calendar Number 570, Senate Bill 825A -- that's a LaValle bill -- Calendar Number 648, Senate Bill 6119A -- that's your bill, Mr. President --

ACTING PRESIDENT MARCELLINO: I won't take it personally.

SENATOR BONACIC: And the third one is Calendar Number 653, Senate Bill 6384A, Senator Skelos's bill.

ACTING PRESIDENT MARCELLINO: So ordered.

SENATOR BONACIC: Thank you.

SENATOR SKELOS: We'll stand at ease, Mr. President.

ACTING PRESIDENT MARCELLINO: We will return to being at ease.

(Whereupon, the Senate stood at ease at 3:56 p.m.)

(Whereupon, the Senate reconvened at 3:57 p.m.)

ACTING PRESIDENT MARCELLINO: Senator Skelos.

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

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

The Senate will stand at ease pending the results of that meeting.

(Whereupon, the Senate stood at ease at 3:58 p.m.)

(Whereupon, the Senate reconvened at 4:08 p.m.)

ACTING PRESIDENT MARCELLINO: 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 be read.

ACTING PRESIDENT MARCELLINO: The Secretary will read the report of the Finance Committee.

Can we have your attention, please, ladies and gentlemen.

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

As a member of the Battery Park City Authority, Charles J. Urstadt, of Bronxville.

As members of the Dormitory Authority, John B. Johnson, of Watertown, and Anthony B. Martino, of Buffalo.

As members of the Capital District Transportation Authority, James S. Cappiello, of Albany; Henry S. DeLegge, of Schenectady; Joseph Parillo, Jr., of Schenectady; and Wayne L. Pratt, of Rensselaer.

As a member of the Port Authority of New York and New Jersey, David S. Mack, of Kings Point.

As a member of the State Athletic Commission, Jerome M. Becker, Esquire, of New York City.

As director of the Municipal Assistance Corporation for the City of New York, Joel B. Mounty, of Scarsdale.

As members of the State Hospital Review and Planning Council, James J. Daly, of Lawrence; Alan Kopman, of Oceanside; and James K. Reed, of Cohoes.

As a member of the New York State Office of Science, Technology and Academic Research Advisory Council, George Campbell, Jr., Ph.D., of New York City.

As members of the Board of Visitors of the Capital District Developmental Disabilities Services Office, Penelope A. Pajak, of Scotia; Rain Ripple, of Scotia; and Kathe R. Sheehan, of Scotia.

As a member of the Capital District Psychiatric Center, Carrie S. Taylor, of Delmar.

As members of the Board of Visitors of the Central New York Developmental Disabilities Services Office, James R. Iles, of Clay, and June C. McCarrell, of Ilion.

As a member of the Central New York Psychiatric Center, Aileen Theresa Townsend,

of Oriskany.

As a member of the Board of Visitors of the Metro New York Developmental Disabilities Services Office, Claudia H. Jackson, of the Bronx.

And as a member of the Board of Visitors of the Mohawk Valley Psychiatric Center, Maryrose Eannace, Ph.D., of Clinton.

ACTING PRESIDENT MARCELLINO: Senator Johnson.

SENATOR JOHNSON: Move the nominations, please.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Johnson.

The question is on the confirmation of the appointees to the offices as read by the Secretary. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The appointees are confirmed.

The Secretary will read.

THE SECRETARY: Senator Johnson, from the Committee on Finance, reports the following bills:

Senate Print 7192, by the Senate Committee on Rules, an act making appropriations for the support of government;

And Senate Print 7193, by the Senate Committee on Rules, an act to amend the State Finance Law.

Both bills ordered direct to third reading.

ACTING PRESIDENT MARCELLINO: Without objection, so ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please recognize Senator Parker.

ACTING PRESIDENT MARCELLINO: Senator Parker.

SENATOR PARKER: Mr. President, I request unanimous consent to be recorded in the negative on Calendar Number 622, Senate Bill Number S1034A.

ACTING PRESIDENT MARCELLINO: So ordered, without objection.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. May we stand at ease while we await a message from the Governor.

ACTING PRESIDENT MARCELLINO: The Senate will be at ease pending the message from the Governor.

(Whereupon, the Senate stood at ease at 4:14 p.m.)

(Whereupon, the Senate reconvened at 4:19 p.m.)

ACTING PRESIDENT MARCELLINO: Senator Alesi.

SENATOR ALESI: Thank you. Mr. President, would you recognize Senator Skelos, please.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President. Before we proceed, I'd just like to announce to the members that there is a very proud, beaming grandfather, new grandfather, first grandchild, amongst us, and that's Senator Dale Volker.

So, Dale, congratulations.

(Applause.)

ACTING PRESIDENT MARCELLINO: Senator Alesi.

SENATOR ALESI: Thank you. Mr. President, may we take up Calendar Number 813 at this time.

ACTING PRESIDENT MARCELLINO: The Secretary will read Calendar Number 813.

THE SECRETARY: Calendar Number 813, by the Senate Committee on Rules, Senate Print 7192, an act making appropriations for the support of government.

ACTING PRESIDENT MARCELLINO: Senator Alesi.

SENATOR ALESI: Thank you. Mr. President, is there a message of necessity and appropriation at the desk?

ACTING PRESIDENT MARCELLINO: Senator, there is a message of necessity and appropriation at the desk.

SENATOR ALESI: Move to accept.

ACTING PRESIDENT MARCELLINO: All in favor of accepting the message of necessity and appropriation signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO:

Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT MARCELLINO: The message is accepted.

The Secretary will read the last section.

THE SECRETARY: Section 26. This act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President.

So yet again, the end of April, we have not moved forward on the budget. We are doing another extender bill. We've not appeared to make any progress. Perhaps we have, but since we've still not called for conference committees on the budget, we've still not moved forward on legislation as we committed to on budget reform proposals, the people of New York have no reasonable expectation that we are moving forward on the

budget -- other than it's another week, we're doing another extender bill, and we are again failing the State of New York and the people of the State of New York by not coming together, negotiating out the tough issues we know we face, and passing the best budget we can as a dual house of the Legislature.

So again, I am voting no on this bill and urging my colleagues: Coordinate, work together, both parties, both houses, create conference committees on the budget, move forward on the legislation to reform this budget process that we know has failed us all, that we have agreed we should be doing something about. Even moving forward on the budget reform legislation would be showing the people of New York that we recognize that we have a problem, that we are part of that problem, but at least we would be trying to make progress rather than coming back another week for another extender.

I'm voting no, Mr. President. Thank you.

ACTING PRESIDENT MARCELLINO: Senator Krueger will be recorded in the

negative.

The Secretary will read the results.

I'm sorry. Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. To explain my vote.

I am also going to be voting no on this bill. And I guess we'll have further discussion in connection with the next bill.

But we have now passed a considerable period of time since the constitutional deadline for a budget with absolutely no apparent progress. This is not a situation, I believe, in which the state's dire fiscal circumstances are holding us up.

And this is not a situation in which there is some conflict that couldn't be resolved if people of goodwill got in a room together. The problem is no one is in the room. In fact, people who are not even of goodwill together could probably resolve this if they would get into the room.

But I think that it's important for us as a body and as the house in the Legislature that prides itself on timeliness

and efficiency to start to be a little more assertive about the unacceptable nature of this process.

I ask to be recorded in the negative, and I would urge that we have to do something better than one-week extenders as we move into the next week of May.

ACTING PRESIDENT MARCELLINO: Senator Schneiderman will be recorded in the negative.

Announce the results, please.

THE SECRETARY: Those recorded in the negative on Calendar Number 813 are Senators Duane, L. Krueger, Sabini, and Schneiderman. Ayes, 56. Nays, 4.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. May we take up Calendar 817 at this time, please.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 817, by the Senate Committee on Rules, Senate

Print Number 7193, an act to amend the State Finance Law, in relation to establishing.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT MARCELLINO: There is a message of necessity at the desk.

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

ACTING PRESIDENT MARCELLINO: There is a message, Senator Alesi.

SENATOR ALESI: I move to accept.

ACTING PRESIDENT MARCELLINO: All in favor.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed?

(Response of "Nay.")

ACTING PRESIDENT MARCELLINO: The message is accepted.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT MARCELLINO: Senator Johnson, an explanation has been requested.

SENATOR JOHNSON: This is a very

short bill which does very little except reinstitute the transportation safety account, which expired March 31st. It reestablishes that so that we may pay the outstanding liabilities and obligations.

And this will again expire July 1st. It's the end of that one account, which we don't have to worry about that in the future.

ACTING PRESIDENT MARCELLINO: Senator Schneiderman, why do you rise?

SENATOR SCHNEIDERMAN: Thank you, Mr. President. On the bill.

ACTING PRESIDENT MARCELLINO: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: Once again, we see the consequences of our failure to act. This is another provision that deals with a very critical set of issues to our state, transportation, and this is an account that expired already.

I think that the message today is, and hopefully as we go forward -- and this is a one-week extender. Maybe we can try and get a little more enthusiasm in this house for

less of an acquiescent attitude as we hit the next round of extenders.

We can't keep this sort of legislative methadone program coming forever where we're really not kicking the habit but we're really not getting off the habit either. We keep passing extenders. We're not meeting -- the budget committees are not meeting, we don't have anything going by any way of any sort of collaborative effort with the Assembly. And it's really very, very difficult to convey to our constituents that we're trying to work on something when there's no progress being made.

I vote no. I would urge my colleagues to vote no and for this house to start to take a stronger stance on this issue. And I'd like to come back to a proposal Senator Paterson made and reiterated on March 31st when he rolled out a budget proposal, balanced, no more expenditures than the Governor called for, found the money to solve the financing problems for high-need school districts. And he proposed, once again, let's stay here until we get the budget

done.

If anyone else has a better suggestion that we're going to implement as a house of the Legislature, I'd love to hear it. But it's time for the Senate to actually do something to try and get this process going.

I'm going to vote no on these extenders because I do think it's the equivalent of a methadone program and we've got to do a little bit better than this.

Thank you.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 817 are Senators L. Krueger, Sabini, and Schneiderman. Ayes, 57. Nays, 3.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Alesi.

SENATOR ALESI: Mr. President, is there any housekeeping at the desk?

ACTING PRESIDENT MARCELLINO: I understand the house is clean, sir.

SENATOR ALESI: There being no further business, I move we adjourn until Tuesday, April 27th, at 3:00 p.m.

ACTING PRESIDENT MARCELLINO: The Senate will stand adjourned until Tuesday, April 27th, at 3:00 p.m.

(Whereupon, at 4:27 p.m., the Senate adjourned.)