NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:06 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 this afternoon to give the invocation is the Reverend William Miller, senior pastor from Central Baptist Church in Binghamton, New York.

REVEREND MILLER: Thanks for the privilege. Can we pray together?

Lord, we bow our heads and we bow our hearts before You, thanking You for this day, thanking You for the great country that we live in and for this great state. I thank You for this privilege.

And, Lord, I do pray that today, as these men and women deliberate and discuss, that they would use the human wisdom that You have given to them, but that they would look to You for divine wisdom as well.

We pray for all of those inside and outside of this room that serve us, that protect us, that defend us, and we pray Your blessing on our state.

In Jesus' name, Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 18, the Senate met pursuant to adjournment. The Journal of Monday, May 17, 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.

The Secretary will read.

THE SECRETARY: Senator DeFrancisco, from the Committee on Judiciary, reports the following nominations.

As a justice of the Supreme Court the 10th Judicial District, Ruth C. Balkin, of

East Rockaway.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Madam President, I'm proud to rise to move the nomination of Ruth C. Balkin for justice of the Supreme Court of the 10th Judicial District.

She appeared before our committee, unanimously was referred to the full house for the confirmation, and she was determined to be well qualified.

I'd like the chair, if you would, to recognize Senator Fuschillo to second the nomination.

THE PRESIDENT: Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

It's one of those rare occasions that I have the opportunity to rise and commend Governor Pataki on the appointment today of a distinguished jurist from Nassau County and the Family Court. She comes from a long history, with her mother a retired jurist

as well.

But one of the things that I admire most about Judge Balkin is the integrity that she has brought to the bench. And in a time where we are looking for greater public confidence in our public servants and community servants, Judge Balkin certainly raises the bar of that.

I commend you. I congratulate you on your appointment. And I wish you the best of luck.

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

Senator Marcellino.

SENATOR MARCELLINO: Yes, Madam President.

It is with pleasure that I rise to second the nomination of Ruth Balkin, whom I've known for many, many years.

She is a fine person, a fine jurist. She's been well trained by her mother, who knows exactly what to do and how to do it. She's good people. This is the kind of person I want on the bench. This is kind of person that instills confidence in me

that the bench of the State of New York is being to be well served.

It's with pride that I stand up to second the nomination of Ruth Balkin.

THE PRESIDENT: The question is on the nomination of Ruth C. Balkin, of East Rockaway, as a justice of the Supreme Court of the 10th Judicial District. All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I'd like to again rise, to move the nomination of Roger Bohrer, of East Northport, as judge of the Suffolk County Court.

He also appeared before the Judiciary Committee, was found to be well qualified, and unanimously was referred to this full body for confirmation.

I request that the chair recognize Senator Flanagan for a seconding.

THE PRESIDENT: The Secretary will first read the nomination.

THE SECRETARY: As a judge of the Suffolk County Court, Roger H. Bohrer, of East Northport.

THE PRESIDENT: Senator Flanagan.

SENATOR FLANAGAN: Madam President, I would defer for the moment to my good friend and colleague Senator Marcellino.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President. Thank you, Senator Flanagan.

It's a pleasure again to rise to see that someone who is well deserving and served his community and served his profession well gets something that he has desired for many, many years.

Roger Bohrer will be an excellent judge. He's a fine person, fine member of the community, fine member and active member of the Suffolk County Bar Association, has been a member of many different community organizations and community groups.

He has but one failing that I'm

aware of: he helped me get elected to the State Senate many years ago, something for which I personally thank him, but there may be some others in this room that might not.

So, Roger, thank you very much. We wish you well. We're joined by our colleagues Assemblyman Conte and Assemblyman Raia from the other house. They're here to wish you well as well.

And again, it's a pleasure to stand. You're going to do a great job. I wish you Godspeed and all the assistance that I can possibly give you.

Thank you, ladies and gentlemen.

THE PRESIDENT: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Madam President.

This is really a distinct honor and a pleasure for me. Roger Bohrer has been a good friend to my family and to me personally for many years.

And just briefly on his background, he -- probably the most notable portion of his background for me personally was when he served on the Zoning Board of Appeals in the

town of Huntington for a number of years, serving as a member, as its chair, and someone who really left his mark and imprimatur in a positive way on a lot of things that happened in the town of Huntington.

He was on the 18B panel, he's been involved in guardianship for years, the ethics committee, the grievance panel. He's had a very distinguished career.

And the one thing that I would suggest is that if patience is a virtue, then Roger Bohrer is a great example of that and a very patient man.

But I would be remiss if I didn't take the opportunity to congratulate him and at the same time talk about his beautiful, lovely wife, Veronica, otherwise known as Ronnie, who we should probably be making her a judge for all the work that she's done through the years.

But to Ronnie Bohrer and to the Bohrer children who are here -- Kristine, Karin, and Mark, they took time out to be here for their father today and to be with their mother -- it really is, I consider it a

privilege to join my colleagues and my Assembly colleagues to honor Roger Bohrer.

He will be a great addition to the County Court in Suffolk, and I'm very proud to stand here before you today and second his nomination.

Roger, Ronnie, congratulations.

THE PRESIDENT: All in favor of the nomination of Roger H. Bohrer, of East Northport, as judge of the Suffolk County Court, please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

At this time I want to acknowledge the presence of Judge Balkin, who is accompanied -- Judge Balkin, Supreme Court justice -- with her family, her mother, Pauline, who is a retired Family Court judge in Nassau County, and her friends, Deborah Mehr and Maureen McLoughlin.

Congratulations, Judge Balkin.

(Applause.)

THE PRESIDENT: And also I want to acknowledge the presence of Judge Bohrer here. He is accompanied by his wife, Veronica, his daughters Karin and Kristine, and his son, Mark.

Congratulations, Judge Bohrer.

(Applause.)

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: As judge of the Erie County Family Court, Deborah A. Haendiges, of Amherst.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: I'm again pleased to move the nomination of Deborah A. Haendiges, of Amherst, as judge of the Erie County Family Court.

She also appeared before the committee this morning, was determined to be well qualified, and was unanimously referred for confirmation to the full Senate.

I would request that the chair recognize Senator Rath to second the nomination.

THE PRESIDENT: Senator Rath.

SENATOR RATH: Thank you, Chairman DeFrancisco.

And I rise with a great deal of pleasure to second the nomination of Debby Haendiges for the Family Court in Erie County.

This is a young woman who has really known what she wanted to do ever since she went to law school -- of course, at the University of Buffalo, which is such a premier law school here in the state of New York. It has so many of the people on the bench and bar in Western New York.

And Debby came in and spoke with me a couple of months ago, and I was truly impressed by someone who has a burning desire to serve in the area of family law.

As chairman now of the Children and Families Committee, we had an awful lot of things to talk about because of the interests that I have and am continuing to grow in wisdom after my friend Steve Saland had that committee for so many years, and all of the tribulations that people go through as they're going through the Family Courts and the

dealings with the family circumstances.

And here is a person who has a true devotion and an inner burning fire to serve the community. I can't think of any better kinds of qualifications for a judge in the Family Court, and it gives me a great deal of pleasure to second her nomination.

THE PRESIDENT: All in favor of the nomination of Deborah A. Haendiges, of Amherst, as a judge of the Erie County Family Court, please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Judge Haendiges, congratulations to you on your nomination and your confirmation. And best wishes.

She is here today accompanied by her husband, Michael; her daughters, Natalie and Jennifer; her mother, Ann Massey; her mother-in-law, Sylvia Haendiges; her sisters-in-law, Julie Tuskes and Theresa Haendiges; her niece, Megan; her nephews,

Zachery and Nick; and her friend Katherine Moorhouse.

Have a great celebration. Thanks for joining us.

(Applause.)

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: As a justice of the Supreme Court of the 8th Judicial District, John M. Curran, of Orchard Park.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Once again, this nominee is an example of the great judgment that the Governor has in selecting four outstanding nominees to these very important courts.

I rise to move the nomination of John M. Curran, of Orchard Park, as justice of the Supreme Court of the 8th Judicial District.

He was found to be well qualified before the committee and was unanimously recommended for confirmation before the full Senate.

And I'd move his nomination and request that the chair please recognize Senator Volker for a second.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: Madam President, I want to second the nomination of John Curran.

Makes me kind of jealous; he's one of the handsome whiz kids from Erie County.

As you heard, the previous judge brought a good part of Amherst with her. And this judge brought a good part of Orchard Park.

John is one of the most competent young men I've ever met. He's been a justice in a very busy court in Orchard Park, which includes, of course, what we used to call Rich Stadium, which is now Wilson Stadium. And he's a good man, he's a family man.

But most of all, he's very wise in the ways of the law, and I have no question he'll make a great judge.

THE PRESIDENT: Senator Stachowski.

SENATOR STACHOWSKI: I too would

like to rise to second the nomination of John Curran.

John does a great job as a jurist in his town. I know that he does an outstanding job as a lawyer that has a great practice. I don't understand why he wants to take a pay cut. But I'm sure that he'll make an outstanding judge.

And more importantly than all of those things, John is a great friend. So I'm glad to have had this opportunity.

THE PRESIDENT: Senator Brown.

SENATOR BROWN: Thank you, Madam President.

I'd like to lend my voice to that of Senator Volker and Senator Stachowski in commending the Governor for an excellent appointment.

John Curran certainly is regarded in our community as someone with a keen legal mind. He is well respected throughout Western New York for his legal acumen, and he is also extremely active in the community.

He's been a good friend to me as well, and I'm very happy to rise to commend

him and congratulate him on his appointment.

Thank you.

THE PRESIDENT: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

I too want to join with my colleagues Senator Stachowski, Senator Brown, and Senator Volker, in a very bipartisan nature, to support this nomination.

I've heard nothing but really positive things about Judge Curran. And he's going to be representing, as part of the 8th Judicial District, the County of Niagara, and we look forward to working with him for many, many years to come.

Thank you, Madam President.

THE PRESIDENT: All in favor of the nomination of John M. Curran, of Orchard Park, as a justice of the Supreme Court of the 8th Judicial District, please indicate by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is

hereby confirmed.

Judge Curran, congratulations and best wishes to you.

He is here with his wife, Margaret; his daughter, Emily; his sons, Neil and Jack; and his mother, Mary Anne Curran.

Best wishes.

(Applause.)

THE PRESIDENT: The Secretary will read.

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

As a member of the Central New York Regional Transportation Authority, Brian M. Schultz, of Fayetteville.

As a member of the Fire Fighting and Code Enforcement Personnel Standards and Education Commission, Peter A. Caruso, of Utica.

As a member of the Veterans' Affairs Commission, Karl W. Kristoff, of Williamsville.

As members of the Citizens' Policy and Complaint Review Council, Douglas E.

Landon, Esquire, of Amsterdam, and J. Theodore Hilscher, Esquire, of Catskill.

As a member of the State Camp Safety Advisory Council, Douglas W. Pierce, of Roslyn.

And as a member of the Board of Visitors of the New York State Home for Veterans and Their Dependents at Batavia, Cathleen F. Macinnes, of Walworth.

THE PRESIDENT: The question is on the nominations as read by the Secretary. All those in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominees are all hereby confirmed.

Senator Kuhl.

SENATOR KUHL: Thank you, Madam President. Could we now adopt the Resolution Calendar, with the exceptions of 5071 and 5119.

THE PRESIDENT: All those in favor of so adopting the Resolution Calendar

please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The calendar is so adopted.

Senator Kuhl.

SENATOR KUHL: Now, Madam President, could we also adopt Resolution Number 5071. I ask that the title be read and move for its adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Breslin, Legislative Resolution Number 5071, honoring Father Peter G. Young for his 45 years in the ministry, to be celebrated on May 22, 2004.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Thank you, Madam President.

This May 22nd we will honor Father Peter G. Young, who's been a priest for 45 years and, as many of you know, frequently has the opening prayer for our proceedings here.

For those 45 years, I've known Peter; I've played basketball against him, I've walked with the streets with him, I've been in court with him. He's a person who in the early '70s was most responsible in the State of New York for taking public intoxication out of the criminal justice system.

Since that time, he's continued to walk the streets of not only Albany but the Capital District and the greater part of New York State, moving to help those people with addictions. He has been instrumental in making recovery so important to those addicted.

And I know that my fellow Senators share with me their tributes to Father Young. And I invite all of my fellow Senators to participate in this resolution by signing on.

Thank you very much, Madam President.

THE PRESIDENT: Senator Little.

SENATOR LITTLE: Thank you, Madam President.

Senator Breslin has alluded to the

statewide presence of Father Peter G. Young and all that he has done in alcohol and drug rehabilitation for those in need throughout the state.

I would just like to speak for a moment on his work within the Bolton Landing community, which I represent, where he is the pastor of Blessed Sacrament Church in Bolton Landing and tends to the people in that community.

His presence is positive, it has made a difference in many, many people's lives. And we truly appreciate not only his work at the state level and what he has done for those people in New York State, but truly what he does each and every weekend for the people of Bolton Landing.

Thank you.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Yes, thank you, Madam President.

I just want to rise to pay tribute to Father Young. You know, the Assembly has an official chaplain. And he has to be our unofficial chaplain, because he's been here

ever since I've been here, and maybe longer, and has really served this house well.

He's a remarkable person. Because, as Senator Breslin said, he serves the people who are so unfortunate and so neglected and so down. And Father Young has always been there for them on the streets, and he's really what a priest should be.

And I'm very proud to consider him a friend. He's been a great friend to this Senate. I don't think that there's a Senator here that isn't well aware of Father Young and has love for him and what he's done.

And I think in the 45 years that he's had, he's really made a difference for a lot of people, and I wish him well on his anniversary.

THE PRESIDENT: Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you, Madam President.

I would just like to rise to also add my voice to the accolades being given to Father Young.

He is truly a wonderful human being

and a visionary, and he represents to me what I believe to be the truest form of God's work, and that is to look at your fellow man and see whatever it is you can do to uplift them and work consistently and fervently to make that happen.

That's what he does on a daily basis, very quietly. And he does not flaunt his position. He does not make anyone seemingly feel guilt about whatever they do or are not doing, but, rather, he just shows what is the correct position and the correct way to approach issues that people have that are obstacles to their progress.

So I appreciate him, I've learned a lot from him, and I shall always remember what his contributions have been, especially to men and women who are returning from prison. And he leaves a legacy of a model for us in the State of New York as to what we can do to reinforce the idea of rehabilitation, especially as it relates to the juvenile justice system.

So I thank him, and congratulations, and I want to commend Senator

Breslin for allowing us to honor him today.

Thank you.

THE PRESIDENT: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

I rise to add my congratulations with those of my colleagues to Father Peter Young.

His work, particularly with our ex-offender population, continues to impress me. And gratefully so, because he has chosen to do a work that very few people want to do. And he raises the consciousness of the people in communities about our need to help our fellow brethren.

And the work that he has done, this is not nearly enough, but it is a start. And I commend you, Senator Breslin, for bringing this forward and giving each of us an opportunity to express to Father Young how grateful we are for work that many of us should do but haven't done.

But he gives us an opportunity to partner with him and perhaps get a little

closer to heaven.

Thank you.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: Madam President, I just -- I guess I didn't realize that Father -- that there was going to be a resolution today.

But I have to say a couple of things about someone who I have known for so many years and I have partnered with in a number of areas, including prison alcoholism programs, education programs.

He's come to me on a number of occasions, and when I could help him -- because he has ideas constantly. In fact, I will tell you a couple of little secrets. I mean, I know nobody here will say anything. But a couple of times the bishop has had to slow him down a little bit because he is such a hard driver and he runs so much.

And I know a few years ago the bishop called him up and said: Look, you go out there and you sit for a little while, because you just can't do all this stuff.

The second thing I have to tell

you, and this is something that is personal to he and I, we were playing basketball way back in my younger days -- and I know this will seem impossible, but Father Peter Young broke my leg. Well, actually, we were playing basketball and we hit each other, and down I went. And I had quite a severe injury.

And he still says, "You know, Dale, I really feel badly. I didn't mean to do that." I said, "Father, you were doing God's work, because it taught me something -- it's time for me to retire."

But at any rate, I have to tell you that if there is a living saint, in my opinion, who I happen to know, there's no question Father Peter Young is one of those people.

And let everybody understand, he's still around. I mean, when I listen to this stuff, the trouble -- I tell people in this state sometimes the only time we really praise people is when they're gone. And Father Peter Young is very much here and has just been going through some difficulties with some health ailments.

In fact, I called him -- he had me very worried; I called him at his place of business, I call it. And as I got through the different people, I expected he was going to be lying in a bed, and I found out he was already out running around doing other stuff, and he was supposed to be ill. But that's Father Young.

And it is great, Neil, that you do a resolution for him, because anybody that knows him knows that he's one of the finest people any of us will ever meet.

THE PRESIDENT: Senator Padavan.

SENATOR PADAVAN: Yes, thank you, Madam President.

I first got to know Father Peter Young very well back in the mid-'70s when we were reorganizing the State Office of Mental Health and creating a number of components within our state government that today we take for granted.

And one of them is DSAS, where we took addiction -- alcohol, drugs, as well as gambling addiction -- and gave it to that agency to provide funding for voluntary

providers and to do those things that had to be done in a more effective and appropriate way.

The crafting of that legislation has the fingerprints of Father Young on it because he served, by appointment from the Governor, on a special committee that advised us, this house and the Assembly, on how best to create a new agency in state government that has served us extremely well for over a quarter of a century.

Aside from that effort, over the years I have gotten to know him in a variety of ways, some very personal and some very official.

If you want to see a program that really works, you don't have to go too far from Albany. Go up to Altamont, where he runs a program for former inmates in state prisons, educating them on every aspect of the culinary business, from chefs to waiters to managers. And you go up there, and you'll have a great meal. And you'll meet a lot of interesting people, I might add, who will be serving you, cooking your food, and doing those things that

they do at a high-quality restaurant. And every one of those individuals leaves there and gets employment.

You go in the prisons -- obviously, some of you have already mentioned his advocacy and his missionary work, if you want to call it that, in our state prisons dealing with inmates who have various forms of addiction, preparing them in many ways for the day they will leave and go back into society.

Most recently, in the last year or so, he initiated a new program in the City of New York. We were happy to be of help to him in getting the funding through private sources to do just that.

He is perhaps one of the most dynamic individuals I've ever met. He's ubiquitous in terms of his knowledge in the field. And when he gets the time -- or where he gets the time to be pastor of his little church in Bolton Landing, along with everything else, is beyond me. But he does.

And if you're ever coming down from the Adirondacks on the west side of Lake George, stop off at his church and he'll greet

you warmly, as he has me and I'm sure many, many others.

He's certainly an inspiration, a person that many of us in times of stress have turned to for comfort and advice and guidance. And he's always been there to provide it.

I'm sorry that he's not here to listen to all these wonderful things. But I hope that he'll a get a transcript of everything we're saying -- right? -- so he can read it at a more leisurely moment.

Thank you, Madam President.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: Madam President, I just would like to ask that the -- as we very often do, allow everyone to be on the resolution unless they should try to hit me with a right hand and not want to be on. So -- okay?

THE PRESIDENT: Any member who does not want to cosponsor this resolution, please notify the desk.

Senator Onorato.

SENATOR ONORATO: Madam President, I too rise to join with my

colleagues in paying tribute to Father Peter Young.

It's wonderful that we're saying something, too, about a person who's still alive, and very, very much so. He's expended all of his time and energy helping others.

When you want the definition of someone who's a giver, look it up in the dictionary and you'll find Father Peter Young's name boldly printed there.

And I'd like to recollect some of the incidents where we've went together, quite so many times together. Especially when Senator Nolan was in the chamber, we always managed to find some time to go out and play some golf. And it was one of the very few times that Father Young was a taker, and he was taking many strokes from me. And occasionally taken a few dollars out of my pocket with those strokes.

But again, I want to commend everyone in this chamber, and I wish Father Young was here to hear all of these accolades that we are praising upon him. I wish him nothing but the best. I wish for him

everything that I wish for me and my family.

THE PRESIDENT: 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 adopted.

Senator Volker.

SENATOR VOLKER: Madam President, could we have the title read on Senator Sampson's resolution, Number 5119, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Sampson, Legislative Resolution Number 5119, recognizing the importance of foster parents in the State of New York during Foster Care Month.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: Yeah, Senator Sampson has asked that this resolution be passed and that all members be offered the opportunity to be on, in the usual fashion.

THE PRESIDENT: Any member who

does not want to cosponsor this resolution, please notify the desk.

All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Volker.

SENATOR VOLKER: I believe we have some motions, if we could make them now.

THE PRESIDENT: Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President, Senator Volker.

On behalf of Senator Morahan, Madam President, I wish to call up his bill, Print 5972, which was recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 576, by Senator Morahan, Senate Print 5972, an

act to authorize.

SENATOR FARLEY: Madam President, 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, 61.

THE PRESIDENT: Senator Farley.

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

THE PRESIDENT: The amendments are received.

SENATOR FARLEY: Madam President, on behalf of Senator Golden, I wish to call up Calendar Number 919, Assembly Print Number 2350.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 919, by Member of the Assembly Englebright, Assembly Print Number 2350, an act to amend the Social Services Law.

SENATOR FARLEY: I now move to reconsider the vote by which this Assembly

bill was substituted for Senator Golden's bill, Senate Print 2223, on April 28, 2004.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

SENATOR FARLEY: Madam President, I now move that Assembly Bill 2350 be recommitted to the Committee on Social Services and that Senator Golden's Senate bill be restored to the order of Third Reading Calendar.

THE PRESIDENT: So ordered, Senator.

SENATOR FARLEY: And I now offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FARLEY: Madam President, motions to amend the following bills:

By Senator Wright, page 20, Calendar Number 387, Senate Print 4890C;

Senator Mendez, page 34, Calendar Number 719, Senate Print 5626;

Senator Morahan, on page 57,

Calendar 1037, Senate Print 5657;

And on behalf of Senator LaValle, on page 62, Calendar 1092, Senate Print 6194A.

Madam President, I move that these bills retain their place on the Third Reading Calendar.

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

Senator Volker.

SENATOR VOLKER: Madam President, can we have the reading of the uncontested calendar.

(Laughter.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 232, by Senator Maziarz, Senate Print 4412A, an act to amend the Retirement and Social Security Law, in relation to community correctional center assistance.

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, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 380, by Senator Volker, Senate Print 5407, an act to amend Criminal Procedure Law, in regulation to admissibility of a witness's sexual conduct.

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, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 409, by Senator LaValle, Senate Print 1413B, an act to amend the Education Law, in relation to fees paid.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 666, by Senator Farley, Senate Print 6378, an act to amend the Banking Law, in relation to making certain technical and conforming amendments.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 667, by Senator Farley, Senate Print 6379, an act to amend the Banking Law, in relation to conforming the personal loan limitations.

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, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 668, by Senator Farley, Senate Print 6380, an act to amend the Banking Law, in relation to clarifying the definition of illegal money transmission.

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, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 753, by Senator Kuhl, Senate Print 5120, an

act to amend the Vehicle and Traffic Law, in relation to verifying.

SENATOR SCHNEIDERMAN: Could you please put that on the contested calendar.

(Laughter.)

THE PRESIDENT: I'll lay it aside, Senator.

SENATOR SCHNEIDERMAN: That will be fine.

THE SECRETARY: Calendar Number 814, by Senator Nozzolio, Senate Print 2745, an act to amend the Public Housing Law, in relation to members.

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 822, by Senator DeFrancisco, Senate Print 6973, an act to amend the Real Property Law, in relation to the filing of subdivision maps.

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, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 855, by Senator Volker, Senate Print 5562, an act to amend the Criminal Procedure Law, in relation to challenge for cause.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 862, by Senator Wright, Senate Print 6695, an act to amend the Tax Law, in relation to authorizing the County of Oswego.

THE PRESIDENT: There is a local fiscal impact note 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, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 884, by Senator Marcellino, Senate Print 6288A, an act to amend the Environmental Conservation Law, in relation to restricting.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect January 1, 2008.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 1. Senator Meier -- excuse me. Ayes, 59. Nays, 2. Senators Meier and Wright recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

886, by Senator Little, Senate Print 6607, an act to amend the Environmental Conservation Law and the County Law, in relation to county responsibility.

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, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 950, by Member of the Assembly Jacobs, Assembly Print Number 9387, an act to amend the Executive Law, in relation to extending.

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, 61.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 962, by Senator Onorato, Senate Print 2458A, an act to amend the Labor Law, in relation to reports by the Commissioner of Labor.

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, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 987, by Senator Hoffmann, Senate Print 173, an act to amend the Vehicle and Traffic Law, in relation to leaving the scene of injury to certain animals.

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, 61.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1005, by Member of the Assembly Tocci, Assembly Print Number 5038, an act to amend the Public Health Law, in relation to educational materials.

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

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

SENATOR VOLKER: Madam President, can we start the contested or controversial calendar with Calendar Number 1005, Senator Morahan.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1005, by Member of the Assembly Tocci, Assembly Print Number 5038, an act to amend the Public Health Law.

THE PRESIDENT: Read the last

section.

THE SECRETARY: Section 3. This act shall take effect on the 180th --

THE PRESIDENT: Senator Schneiderman.

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

THE PRESIDENT: You may proceed on the bill.

SENATOR SCHNEIDERMAN: I recognize the importance of the public health issue that is addressed in Senator Morahan's piece of legislation.

I feel that I would be remiss if I did not rise, though, to call to the attention of this house the fact that we, as a result of our inability to resolve the school financing dilemma facing the Legislature, are in a situation now where virtually all of the New York City schools have eliminated or cut back or essentially suspended their public health programs.

There is a requirement of New York State that all public schools teach lessons on HIV/AIDS from grades K through 8, as well as

teach about alcohol and substance abuse. New York City has got a program, "Family Living," including sex education.

It is uncontested that these programs are not functioning, that most of the schools in New York City are not teaching the public health curriculum. And I'm pleased we're providing additional public health education through the bill that's before us now on hepatitis C and other problems.

But we cannot in good conscience continue to go forward in this legislative session -- we have 16 days left -- without addressing the critical need to fund the high-needs school districts in this state, in New York City and elsewhere. Our public health education system is in shambles.

And once again, it comes back to the responsibility under the New York State Constitution for the Legislature to provide a sound basic education to all of our children. We cannot go much further in this session without addressing the issue, and I hope we will do so.

I will support this legislation,

Madam President, but it is a very, very small step at addressing a much larger problem that is clearly on our plate.

Thank you.

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

The debate is closed.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

THE PRESIDENT: The bill is passed.

SENATOR VOLKER: Madam President.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: Could we call up Calendar Number 814 on the controversial calendar -- Senator Nozzolio -- please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 814, by Senator Nozzolio, Senate Print 2745, an act to amend the Public Housing Law.

THE PRESIDENT: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I've supported this legislation in the past, and I plan to do so again. But once again, with 16 days left in the legislative session, I have to raise the fact that the Assembly has passed legislation to create a public authority inspector general, an independent budget office, and a central procurement office for public authorities, and to require people who lobby public authorities to register with the Lobbying Commission.

I recognize the needs of the Geneva Housing Authority that are addressed by Senator Nozzolio's bill. But it's time for the Senate to step up to the plate on the issue of reform of public authorities.

Senator Leibell has just recently introduced legislation, at the request of the State Comptroller, to create a Temporary Commission on Public Authority Reform. And I hope, once again, that in the few days remaining in this session that we will move on

that legislation.

I vote yes for this bill, but I hope we will also address the larger issue of public authority reform before the session ends.

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, 61.

THE PRESIDENT: The bill is passed.

Senator Volker.

SENATOR VOLKER: Madam President, would you call up Calendar Number 753, by Senator Kuhl, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 753, by Senator Kuhl, Senate Print 5120, an act to amend the Vehicle and Traffic Law.

SENATOR VOLKER: Madam President,

we'll lay that bill aside for the day. Senator Kuhl is in a conference committee, I think, or whatever.

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

Senator Volker, that completes the contested, controversial, and noncontroversial reading of the calendar.

SENATOR VOLKER: Is there any housekeeping at the desk?

THE PRESIDENT: No, there isn't, Senator.

SENATOR VOLKER: All right. Then there being no further business, I move we adjourn until Thursday, May 20th, at 11:00 a.m.

THE PRESIDENT: On motion, the Senate stands adjourned until Thursday, May 20th, 11:00 a.m.

(Whereupon, at 3:52 p.m., the Senate adjourned.)