NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 20, 2004

11:04 a.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: In the absence of clergy, may we bow our heads in a moment of silence, please.

(Whereupon, the assemblage respected a moment of silence.)

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, May 19, the Senate met pursuant to adjournment. The Journal of Tuesday, May 18, 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 Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

On behalf of Senator Golden, I move that the following bill on order of first report be committed to the Committee on Finance: Senate Print Number 6005A, Senator Golden is the sponsor, Calendar Number 1282.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: Madam President, amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator Skelos, page number 33, Calendar Number 301, Senate Print Number 5902;

By Senator Flanagan, page number 41, Calendar Number 479, Senate Print Number 5403;

By Senator Mendez, page number 69,

Calendar Number 994, Senate Print Number 5349A;

By Senator Skelos, page number 76, Calendar Number 1083, Senate Print Number 6143A;

And by Senator Balboni, page number 85, Calendar Number 1170, Senate Print Number 7197.

I now move that these bills retain their place on the order of Third Reading Calendar.

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

SENATOR FUSCHILLO: Thank you.

THE PRESIDENT: You're welcome.

Senator Bonacic.

SENATOR BONACIC: Good morning, Madam President.

THE PRESIDENT: Good morning, Senator.

SENATOR BONACIC: Are there any substitutions at the desk?

THE PRESIDENT: Yes, there are.

SENATOR BONACIC: If we could

make them at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 6, Senator Hoffmann moves to discharge, from the Committee on Tourism, Recreation and Sports Development, Assembly Bill Number 676 and substitute it for the identical Senate Bill Number 193, First Report Calendar 1206.

On page 6, Senator McGee moves to discharge, from the Committee on Finance, Assembly Bill Number 6679A and substitute it for the identical Senate Bill Number 2808A, First Report Calendar 1209.

On page 6, Senator Saland moves to discharge, from the Committee on Finance, Assembly Bill Number 6035 and substitute it for the identical Senate Bill Number 3333, First Report Calendar 1210.

On page 6, Senator Spano moves to discharge, from the Committee on Finance, Assembly Bill Number 3881 and substitute it for the identical Senate Bill Number 4395, First Report Calendar 1212.

On page 7, Senator Rath moves to

discharge, from the Committee on Finance, Assembly Bill Number 4881 and substitute it for the identical Senate Bill Number 6130, First Report Calendar 1221.

On page 9, Senator Flanagan moves to discharge, from the Committee on Finance, Assembly Bill Number 2645A and substitute it for the identical Senate Bill Number 7066, First Report Calendar 1233.

On page 9, Senator Alesi moves to discharge, from the Committee on Transportation, Assembly Bill Number 903 and substitute it for the identical Senate Bill Number 118, First Report Calendar 1237.

On page 9, Senator Skelos moves to discharge, from the Committee on Transportation, Assembly Bill Number 996A and substitute it for the identical Senate Bill Number 1020A, First Report Calendar 1239.

On page 10, Senator Farley moves to discharge, from the Committee on Transportation, Assembly Bill Number 2823A and substitute it for the identical Senate Bill Number 1344A, First Report Calendar 1240.

On page 10, Senator Kuhl moves to

discharge, from the Committee on Transportation, Assembly Bill Number 613 and substitute it for the identical Senate Bill Number 6717, First Report Calendar 1247.

On page 10, Senator Seward moves to discharge, from the Committee on Transportation, Assembly Bill Number 10040A and substitute it for the identical Senate Bill Number 6854, First Report Calendar 1249.

On page 12, Senator Spano moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 8099 and substitute it for the identical Senate Bill Number 2729, First Report Calendar 1268.

On page 13, Senator Robach moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 4356 and substitute it for the identical Senate Bill Number 3886, First Report Calendar 1274.

On page 14, Senator Volker moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9544 and substitute it for the identical Senate Bill Number 6010, First Report Calendar 1283.

On page 14, Senator Robach moves to

discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 5921 and substitute it for the identical Senate Bill Number 6366, First Report Calendar 1286.

On page 16, Senator Flanagan moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 345 and substitute it for the identical Senate Bill Number 6689, First Report Calendar 1308.

On page 17, Senator Marcellino moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 8457 and substitute it for the identical Senate Bill Number 4132, First Report Calendar 1314.

On page 17, Senator Alesi moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 1005 and substitute it for the identical Senate Bill Number 5667, First Report Calendar 1316.

On page 19, Senator Kuhl moves to discharge, from the Committee on Local Government, Assembly Bill Number 7081A and substitute it for the identical Senate Bill

Number 2232A, First Report Calendar 1329.

On page 19, Senator Breslin moves to discharge, from the Committee on Local Government, Assembly Bill Number 6256B and substitute it for the identical Senate Bill Number 2733B, First Report Calendar 1331.

On page 19, Senator DeFrancisco moves to discharge, from the Committee on Local Government, Assembly Bill Number 2214 and substitute it for the identical Senate Bill Number 3396, First Report Calendar 1333.

And on page 31, Senator LaValle moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 8589A and substitute it for the identical Senate Bill Number 4428B, Third Reading Calendar 260.

THE PRESIDENT: Substitutions ordered.

Senator Bonacic.

SENATOR BONACIC: Madam President, there's a resolution, 5132, at the desk by Senator Larkin. May we please have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 5132 mourning the death of Vincent N. Brescia, distinguished citizen and devoted member of his community.

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 Bonacic.

SENATOR BONACIC: Madam President, there is a resolution, 5135, at the desk by Senator Little. May we please have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Little, Legislative Resolution Number 5135, commemorating the 100th Anniversary of Ridge

Road Wesleyan Church of Queensbury, New York.

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 Bonacic.

SENATOR BONACIC: Madam President, there is another resolution, 4932, at the desk by Senator Ada Smith. May we please have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator A. Smith, Legislative Resolution Number 4932, commemorating the Eighth Anniversary of the Brooklyn Chinese-American Association's Avenue U Senior Center.

THE PRESIDENT: All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bonacic.

SENATOR BONACIC: May we please have the noncontroversial reading of the calendar.

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 SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 754, by Senator Kuhl, Senate Print 5125, an act to amend the Vehicle and Traffic Law, in relation to overweight permits.

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, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 842, by Senator DeFrancisco, Senate Print 323, an act to amend the Criminal Procedure Law, in relation to applications for recognizance or bail.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Breslin, to explain your vote?

SENATOR BRESLIN: To explain my vote.

Madam President, I am the only one who voted in the negative on this bill last year, and I will continue to do so. Not because I don't think it's a good bill. In fact, I think that the substance of the bill is good, because it allows a judge to receive

more information through a psychiatric examination before bail is set.

However, albeit small, there is monies to be spent by counties, and it's another unfunded mandate. And it's a slippery slope. We continue to do it in this house, we continue to do it throughout the full Legislature. And on that reason and that reason alone, my vote is no.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 49. Nays, 1. Senator Breslin recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 861, by Senator Spano, Senate Print 6665, an act to amend the Tax Law, in relation to extending the statute of limitations.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 925, by Senator LaValle, Senate Print 6555, an act to amend the Education Law, in relation to the Board of Trustees.

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, 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 958, by Senator Little, Senate Print 6876, an --

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid

aside.

THE SECRETARY: Calendar Number 1034, by Senator Robach, Senate Print 3900, an act to amend the General Municipal Law, in relation to including police officers.

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, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1041, by Senator Robach, Senate Print 6246, an act to amend the Town Law, in relation to the fire district estimates.

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, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1045, by Senator Morahan, Senate Print 6461A, an act to authorize the First Timothy Christian Church to file an application.

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, 51. Nays, 1. Senator Bonacic recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1052, by Senator Seward, Senate Print 6955, an act to amend the Real Property Tax Law, in relation to providing a tax exemption.

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number

1103, by the Assembly Committee on Rules, Assembly Print Number 10920, an act to authorize certain health care professionals licensed.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect July 21, 2004.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1104, by Senator Golden, Senate Print 5516A, an act to amend Chapter 154 of the Laws of 1921, relating to the Port Authority of New York and New Jersey.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect upon the enactment into law by the State of New Jersey of legislation.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1110, by Senator Trunzo, Senate Print 995, an act to amend the Criminal Procedure Law, in relation to service of summons.

SENATOR BONACIC: Please have it laid aside for the day.

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

THE SECRETARY: Calendar Number 1111, by Senator Volker, Senate Print 1064A, an act to amend the Civil Practice Law and Rules, in relation to requiring disclosure.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall --

SENATOR VOLKER: Madam President.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: I know this is a term you haven't heard recently. But because of a recent communication I just got, can I star the bill, please.

THE PRESIDENT: The bill will be starred at the request of the sponsor, Senator Volker.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1118, by Senator Skelos, Senate Print 3344A, an act to amend the Penal Law, in relation to assaults at a sports contest.

SENATOR SABINI: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1125, by Member of the Assembly Paulin, Assembly Print Number 10103, an act to amend the Civil Practice Law and Rules, in relation to confidentiality.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 1127, by Senator Maziarz --

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1136, by the Assembly Committee on Rules, Assembly Print Number 10974, an act to amend the Criminal Procedure Law and the Executive Law, in relation to a special order of conditions.

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, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1137, by Senator Alesi, Senate Print 949 --

SENATOR SCHNEIDERMAN: Lay it

aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1142, by Senator Nozzolio, Senate Print 6127, an act to amend the Executive Law and Chapter 688 of the Laws of 2003.

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, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1143, by Member of the Assembly Tocci, Assembly Print Number 9779, an act to amend the Correction Law and the Penal Law, in relation to disseminating.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1151, by Senator Leibell, Senate Print 7250, an act to amend the Military Law, in relation to qualifications.

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, 52.

THE PRESIDENT: The bill is passed.

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

SENATOR BONACIC: May we please return to motions and resolutions, please.

THE PRESIDENT: Motions and resolutions.

SENATOR BONACIC: Yes. There is

a resolution, 5134, at the desk by Senator Hoffmann. May we please have the resolution read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Hoffmann, Legislative Resolution Number 5134, congratulating the Jamesville-DeWitt Boys Basketball Team upon winning the Class A State 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 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 Jamesville DeWitt

Boys Basketball Team are the Class A State Champions; and

"WHEREAS, On Sunday, March 21, 2004, the Jamesville-DeWitt Boys Basketball Team topped a perfect season for the first state championship in 14 years, a 56-52 victory over Amityville; and

"WHEREAS, On Saturday, March 27, 2004, the Jamesville-DeWitt Boys Basketball Team scripted a perfect ending to a perfect season, winning the Class A federation title with a 78-73 overtime victory against St. Joseph's of Buffalo; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Bob McKenney and Assistant Coach Lisa McKenney, skilled and inspirational tutors respected for their ability to develop into excellence; and

"WHEREAS, The team's overall record of 29-0 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

Jamesville-DeWitt Boys Basketball Team, from the opening game of the season to participation in the state 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 upon their school; and

"WHEREAS, Coach Bob and Assistant Coach Lisa McKenney have done a superb job in guiding, molding, and inspiring the team members towards their goals; and

"WHEREAS, Sports competition instills the value of teamwork, pride and accomplishment, and Coach Bob McKenney and Assistant Coach Lisa McKenney and these 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 Jamesville-DeWitt Boys Basketball Team, its members -- Jeremy Black, Manny Karam, Brian Becker, Reggie Flynn, Andy Rautins, Ari Greenberg, John Romano, Mike Triche, Zach Drescher, Justin Stern, Spencer Traino, Chris Vieau, Andrew Cottet, and Corey Chavers -- and Coach Bob McKenney and Assistant Coach Lisa McKenney on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Jamesville-DeWitt Boys Basketball Team and to Coach Bob McKenney and Assistant Coach Lisa McKenney."

THE PRESIDENT: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Madam President.

I want to thank all of my colleagues for allowing us to bring this privileged resolution to the floor today.

And it is indeed a privilege to not only extol the virtues of this wonderful team, but to welcome them to our chambers today, as

I know you will, Madam President, following comments from several of my colleagues who also share an interest in this team.

In the Syracuse area, we take basketball very seriously. And we are used to some significant victories. And last year, when we celebrated the national championship with the Syracuse University Orangemen, we developed a sense of excitement that just kept on rolling and was exceeded this year when this fine group of young men achieved their state championship as well.

The entire Syracuse area loved waking up in the morning to see the newspaper headlines that read about the greatest victories of the undefeated Jamesville team: "Rams Use Two Routes to Reach Glens Falls," "J-D Has Easy Time in Regional Finals," "J-D Torches Burnt Hills," "J-D Returns to State, This Time as No. 1," "J-D One Away from the Title," and then finally that headline that everybody smiled to see, "Jamesville-DeWitt Champs, Baby." And there they were on the front page of the Syracuse papers, something that they will cherish all of their lives, as

will everybody in the greater Syracuse community.

But there is another interesting part to this story that we'd be very hard-pressed to find more drama and heartwarming human interest anyplace else. Because while the team was going through its final victory rally, the coach's wife, who is also the assistant coach, was in the final weeks of her pregnancy.

And as the team made its way back by bus to Syracuse, Assistant Coach McKenney went directly to the hospital, and the team bus stopped at the hospital on their way home to Jamesville-DeWitt so that they could drop off the coach to be there with his wife for the birth of their new baby.

So it is with extreme pleasure that we welcome all of the McKenneys here today, Principal Paul Gasparini, Athletic Trainer Heather Santillo, Administrator Bill Brown, the athletic director, the rest of the coaches -- including one that is well known to another one of my colleagues. Eric Ormond and Charlie Falgiatano are both here, along with

the McKenneys. And the names of all the team members have already been read.

So you bring us great happiness, gentlemen and ladies, and we are especially thrilled to have you with us on this beautiful day. Thank you for giving us the excitement of your victory. We're very proud of you. And in all of your life's activities, you will have that undeniable message that teamwork really does pay off.

Congratulations, gentlemen.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Madam President.

I too rise to congratulate this great team. It's undefeated, it's my understanding -- an undefeated season, won a couple of games at the end in overtime, couldn't have been more dramatic other than the birth.

I think Charlie just made it to the hospital in time. Is that right, Charlie was driving? No? Well, Charlie was driving the car, I think.

But Charlie Falgiatano, who used to work in these chambers as an assistant to me, who also is in my law office right now -- where he should be working, rather than being up there, quite frankly.

(Laughter.)

SENATOR DeFRANCISCO: But it's a wonderful, wonderful tribute to all of you. There is nothing like a team sport, nothing like a championship, nothing like how you all came together under great leadership.

And you will -- believe me, you're going to do a lot of things in your lives. You're all leaders, I'm sure. But nothing will ever take away this memory. It's going to be something you'll take with you forever.

And when you look to the left and the right, these are your friends forever. Forever. Other relationships will come and go, but these are your friends forever.

So congratulations. It's a wonderful job. And let's see if you can do it again next year.

Thank you.

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.

On behalf of the Senate, congratulations.

(Applause.)

THE PRESIDENT: Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President. May we now have the controversial reading of the calendar.

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 LIZ KRUEGER: Explanation.

THE PRESIDENT: Senator Kuhl, an explanation has been requested.

SENATOR KUHL: Thank you, Madam President.

This bill is a very simple bill.

It simply removes an annual mandate on the Department of Motor Vehicles, or a request of them to do an audit of all those insured within their department.

THE PRESIDENT: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. If the sponsor would yield, please.

THE PRESIDENT: Senator Kuhl, will you yield for a question?

SENATOR KUHL: Yes.

THE PRESIDENT: You may proceed, Senator.

SENATOR LIZ KRUEGER: Thank you.

And I'll start off by pointing out, Senator, I did vote for this bill last year, and then I did a little more homework since then.

So my understanding is that we actually passed this system into law in the year 2000 in order to close a loop of a problem that was out there for up to 10 million motorists per year in the state of New York so that we could ensure that the DMV is now electronically notified by all auto

insurance companies of both the adds to insurance and the drops from their insurance coverage for every motor vehicle insured in the state. And that prior to the law, insurance companies were only required to notify DMV when they dropped someone from insurance, not when they added.

And so previous to the law that we passed, the burden to notify the DMV was actually on the consumer when they purchased new insurance for their vehicle.

I also looked into this and learned that this process seems to be working very well. I think that people feel that we did the right thing in passing the law in 2000, or implementing it as of 2000, excuse me. This process ensures that DMV and insurance companies are using modern databases to cross-check who's added to the insurance rolls and who's subtracted from the insurance rolls.

So I'm wondering why we would so quickly want to change that law and go to a model where it was at the discretion of DMV rather than a requirement that everyone continue to do that. If it's working now and

it's been effective since we put it into place, why would we want to back away from that now?

SENATOR KUHL: Well, Senator, perhaps you should have done a little bit more homework to understand how the process works entirely, and I think you wouldn't even bother to put that question forth.

This is an additional requirement that is being changed which really serves of no value to the department as it is. The department will continue to carry out the program like it is. All insurance companies are required electronically to file any notices or changes with the department, and the department records that.

But they're also required to, all that information aside, now sit and go through at least once a year, under the requirements, and check, cross-check all the insurance lists with their lists. Which they're doing on an annual, daily, monthly basis as it is, on each individual policy.

So this is just simply -- what we're doing is changing a duplication which

will save the State of New York roughly a million dollars. Okay? That's the reason for this. It's just a secondary, duplicative type of process that is mandated by law that is no longer necessary, it's obsolete to require this additional checking, and that's why the department has come in and said, Will you just change the law? Because it doesn't affect the process.

SENATOR LIZ KRUEGER: I'm sorry, Madam President. On the bill, Madam President.

THE PRESIDENT: You may proceed on the bill, Senator.

SENATOR LIZ KRUEGER: Thank you.

Senator, thank you for your answer. I do think I understand the way the law works. And I do think that the advantage of keeping the law as it is today is that we're having a cross-check on the insurance companies.

Right now, as you said -- you were right -- they must in theory provide the information to the state. But if the state agency doesn't ensure through audits that this is the correct information, that we are

getting all of the information on additions in insurance and drops in insurance, the problem that could occur or reoccur, before we had this system that was occurring for people, is that they wouldn't know whether or not the correct information was in the system. There wouldn't be a way to ensure that the insurance companies are meeting their mandates under state law.

There's a value to having an audit and a cross-check system by State DMV to make sure that the information is in there. It's an advantage to the state. Right now, under the system we have, we know if there's an uninsured motorist out there, because it's showing up in the cross-checks between DMV and the insurance companies. And that means the state can make sure that we are watching out for and stopping people from driving without insurance.

At the same time, because there is the cross-check in place and the audit and check, it also means that if someone believes that they have insurance but perhaps because of administrative errors in changes in

information in a computer, they're not recorded as having insurance -- certainly we all know about the experience of believing we've provided the correct information in some way, only to discover that it has been miscoded in a computer system or something has been typed slightly different, a middle initial has been changed, a number has been put in wrong, complicated ID information about insurance.

This will also -- the system also ensures that we continue to cross-check between the DMV and insurance companies whether in fact the correct information is out there about insured motorists. I think most of us here probably drive cars, and we'd be very concerned if we were to discover when we believed we had insurance and we were paying for it that in some computer system we did not show up as insured. And, frankly, we'd want to know if there was that error out there so that we could correct it.

And so I think in fact we do have a good system in place that we just put in place. And while I understand the Senator's

argument that DMV evaluates that they might save a million dollars a year if they only did this randomly, as opposed to on an annualized basis, I would argue that the cost to both consumers and potentially to the police department of having to deal with uninsured motorists that were not caught in a computer match, or people who were wrongly brought up on summonses for not having insurance when in fact they might, probably has a greater cost to the people of the State of New York than the million we might save.

I'm also concerned that we would be making this some kind of random at the option of DMV. I think it would raise questions. Because the Senator's memo highlights a cost to DMV but also a cost to insurance companies. Who would be deciding which insurance companies didn't have this cost annually and which companies did have this cost annually?

So I'm also concerned about at least the perception of favoritism if State DMV chose to do these crosstabs for some companies and not others, and how that process would go.

So again, I think that we have a system that it appears is working -- is working in the best interests of consumers, is working in the best interests of public safety to ensure that people who are on our roads with automobiles have the proper insurance -- and that it's really too early for us to be pulling back from this commitment.

So I appreciate the Senator's comments on his bill, but I will choose to vote no this year.

Thank you, Madam President.

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

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator L. Krueger recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 958, by Senator Little, Senate Print 6876, an act to amend Chapter 485 of the Laws of 2000.

THE PRESIDENT: Senator Schneiderman.

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

THE PRESIDENT: You may proceed on the bill.

SENATOR SCHNEIDERMAN: This is a piece of legislation that provides a preference for sellers -- New York-based sellers of rock salt and the production of rock salt in New York State.

And I want to call attention to it because the bill memo clearly identifies the purpose of this bill is, in a time of a difficult economy, providing a preference for local businesses.

The overall issue of the outsourcing of jobs from New York State has yet to be addressed by this house. And I think that it's important for those of us who represent areas that have a far higher unemployment rate than the rest of the state

to note that while rock salt sellers are receiving a preference, there is no preference for all of the thousands of New York-based businesses that process applications, that examine x-rays, that analyze documents, conduct financial research and perform other functions for state agencies and for businesses that are contracting with the state.

And I think that while many, many of us can be sympathetic to small businesses having difficulty competing with, particularly, companies from Canada where they have their own discriminatory policies against the far superior, as everyone knows, New York State rock salt, it is time for us to actually deal with this issue on a more comprehensive basis.

It is a great shame that we are moving forward towards the end of this session. Senator Paterson and others have advanced very serious pieces of legislation, Senator Paterson's, which is called the "New York Consumer and Worker Protection Act," dealing with the issue of outsourcing New York

jobs, particularly by state agencies or by businesses that are being subsidized by the state.

We have to deal with the overall issue so that the thousands and thousands of jobs in New York City and other cities around the state that have no protection receive something, if not comparable to what rock salt sellers get, at least something to help us preserve these jobs in New York.

I will be voting for this bill, Madam President, in the hope that we will be doing something about the larger issue.

Thank you.

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

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1052, by Senator Seward, Senate Print 6955, an act to amend the Real Property Tax Law, in relation to providing a tax exemption.

THE PRESIDENT: Senator Krueger.

SENATOR LIZ KRUEGER: To explain my vote -- or on the bill, I'm sorry, Madam President.

THE PRESIDENT: You may proceed on the bill.

SENATOR LIZ KRUEGER: On the bill.

Each year we get these bills that are county by county allowing for exemptions from real property tax for volunteer fire companies and ambulance services, and I vote for these bills, as I will vote for this bill.

But yet again I would like to highlight, why don't we just do one bill for the State of New York, allowing counties at their discretion to move forward with this option?

It seems foolish to continue to have a one bill per county or locality or town -- in this case, I believe it's even a

school district geography -- when in fact what we should do is pass a bill that would provide for this option both in Republican Senate districts and Democratic Senate districts, and then the localities could choose whether they wanted to use this tax-exemption option to assist them to encourage people to volunteer for fire departments and for ambulance companies.

Clearly we understand that throughout the state of New York it is becoming more and more difficult to get people to be willing to volunteer for both very dangerous and very serious jobs such as firefighters and ambulance workers. It is a great commitment of their time for training and for being on call. They can, at least in the case for firefighters, be dangerous positions.

I want us to help our localities ensure they can get the volunteer service workers that they need. I just wish we'd go ahead and make it available to all localities in the state of New York, and then they could choose whether they wanted to participate in

the program or not.

Thank you, Madam President. I will be voting for the bill.

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

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1118, by Senator Skelos, Senate Print 3344A, an act to amend the Penal Law, in relation to assaults at a sports contest.

SENATOR SABINI: Explanation.

THE PRESIDENT: Senator Skelos, an explanation has been requested.

SENATOR SKELOS: Madam President, this legislation would increase the penalty for assault at a sports contest on a participant or an official from a Class A

misdemeanor to a Class E felony.

THE PRESIDENT: Senator Sabini.

SENATOR SABINI: Madam President, would the sponsor yield for a question.

SENATOR SKELOS: Sure.

THE PRESIDENT: Senator Skelos does yield.

You may proceed, Senator.

SENATOR SABINI: I just wanted to ask the sponsor if this bill has been altered in any way from last year's proposal.

SENATOR SKELOS: Not to the best of my knowledge, no.

SENATOR SABINI: Madam President, if the sponsor would continue to yield.

THE PRESIDENT: Senator, do you yield?

SENATOR SKELOS: Yes.

THE PRESIDENT: You may proceed, Senator.

SENATOR SABINI: Last year I engaged in a colloquy on similar legislation that addressed my concern that, while I voted for this bill, that there was no provision in this bill to protect spectators or

nonuniformed personnel from the uniformed personnel.

In the ensuing year since then, we've seen three well-publicized incidents or three well-publicized charges against sports figures who have assaulted nonuniformed personnel at sporting events -- the assault by a member of the Pittsburgh Pirates on one of the mascots at a Milwaukee Brewers game, and two Yankees have been charged, pending trial, with the assault of a groundskeeper in Boston.

And I'm just wondering why we haven't -- why the sponsor hasn't addressed or made it broader, this bill, to protect everyone at sporting events, since in the year since I raised the question there's now been three charges against people that have been sports participants against nonuniformed participants. I'm just wondering why you haven't broadened it.

SENATOR SKELOS: I understand and appreciate your question.

There are current assault statutes which would cover other individuals. This is aimed specifically at those who are direct

participants with the athletic event.

SENATOR SABINI: Madam President, on the bill.

THE PRESIDENT: You may proceed on the bill.

SENATOR SABINI: I agree with the sponsor's assertion. But there's also a current statute against spectators as well. We're just changing the class of felony.

And I say what's good for the goose is good for the gander here. I think that the players should be not held at a special class of harmlessness or a special class of felony. If we're going to try and reduce sports rage, let's reduce it for everyone, not just the fans.

I'll vote for the bill, but I hope that we would consider in the future a broader piece of legislation.

Thank you.

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

Then the debate is closed.

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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1127, by Senator Maziarz, Senate Print 6513, an act to amend the Criminal Procedure Law, in relation to enacting.

SENATOR SCHNEIDERMAN: Explanation.

THE PRESIDENT: Senator Maziarz, Senator Schneiderman has requested an explanation.

SENATOR MAZIARZ: Thank you, Madam President.

This legislation would expand the scope of criteria judges are allowed to consider when setting bail. This bill would give the judge discretion to decide if the individual is a possible threat to the alleged victim, the individual has made any prior threatening comments to the alleged victim.

This legislation would also allow the judge to consider whether or not the individual has violated past court orders when setting bail.

Furthermore, the judge would be able to consider in the defendant has a pattern of violence or threats of violence against the victim or towards others.

While this bill would cover all bail proceedings, I'm most concerned with the setting of bail in one particular case. And it was in the city of Syracuse, where an individual by the name of Jeffrey Cahill was allowed out on bail, and he later on murdered his spouse.

Thank you, Madam President.

THE PRESIDENT: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you. Through you, Madam President, if the sponsor would yield for a few questions.

THE PRESIDENT: Senator Maziarz, do you yield?

SENATOR MAZIARZ: Surely, Madam President.

THE PRESIDENT: You may proceed, Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you.

Has the judiciary or the Office of Court Administration weighed in in support or opposition to this legislation?

SENATOR MAZIARZ: I am not aware of any position that the Office of Court Administration has taken.

I know that this bill was crafted with the assistance of the district attorney of Onondaga County and with the New York State District Attorneys Association.

SENATOR SCHNEIDERMAN: And through you, Madam President, has the District Attorneys Association taken a position in support of this legislation?

SENATOR MAZIARZ: Has the association? I'm not aware of any position that they've taken, Senator.

SENATOR SCHNEIDERMAN: And through you, Madam President --

THE PRESIDENT: Senator, will you yield for another question?

SENATOR MAZIARZ: Yes, I will,

Madam President.

THE PRESIDENT: You may proceed, Senator Schneiderman.

SENATOR SCHNEIDERMAN: As I read this bill, it essentially changes the criteria for bail.

Currently, the statute that would be modified by this legislation directs the court to consider issues primarily related to whether or not a defendant will return for trial to secure that person's presence at trial.

This would add additional sections that require a determination related to whether or not if the defendant is a danger -- and I'm reading from the bill -- to the alleged victim, members of the community, or to himself or herself if released on bail. Is that correct?

SENATOR MAZIARZ: That is correct, Senator, yes. It would allow the judge to take into consideration any prior threats, any violation of any prior restraining orders.

SENATOR SCHNEIDERMAN: Thank you.

Through you, Madam President. But the court is not currently precluded from taking into account any of those issues. In fact, under the current law, the court is required to take into consideration the weight of the evidence against the defendant in a pending criminal action and any other factor indicating probability or improbability of conviction or recognizance pending appeal.

So this would not add things the courts aren't allowed to consider. But would this not enable a court to take someone who was likely to appear for trial, who may or may not have substantial likelihood of conviction, but hold them in prison because of a finding that that person constituted a threat to some other member of the community even other than the person they're charged with committing a crime against?

SENATOR MAZIARZ: And the question is? Is your statement correct?

SENATOR SCHNEIDERMAN: Yes, is that not correct.

(Laughter.)

SENATOR SCHNEIDERMAN: And I hope

I'm not going to have to repeat the question.

SENATOR MAZIARZ: Like many of your statements, it is partially correct. It clearly is somewhat redundant, but I think it gives the judge more discretion. And the criteria is more specific in my legislation.

And I'd like to add that this legislation has some support in the other house with Assemblyperson Christensen and Assemblyperson Paulin, who have worked in the area of support for domestic violence for many years.

SENATOR SCHNEIDERMAN: Thank you.

Through you, Madam President. At bail hearings, the prosecution and the defense are both entitled to call witnesses and present evidence. If we add this whole new area of inquiry to bail hearings -- that is -- and I'm reading again from the statute, from the bill -- whether or not a defendant is a danger to the alleged victim, members of the community, or to himself or herself if released on bail -- will there be any additional funds available to the counties that will have to pay for the witnesses and

the defense lawyers and prosecutors dealing with these expanded hearings?

SENATOR MAZIARZ: Well, the bail hearing, you're assuming that the bail hearing has already taken place. You know, the attorneys, the judge, the defendants, in some cases probably the victims are already in the courtroom.

Would it lengthen the hearing perhaps by some period of time? It may do that, Senator. But I don't think that the cost would be all that large that it would financially impact the courts.

SENATOR SCHNEIDERMAN: Thank you, Madam President. I would like to thank the sponsor for his speedy responses, and I'd like to speak on the bill.

SENATOR MAZIARZ: Thank you.

THE PRESIDENT: You may proceed on the bill, Senator.

SENATOR SCHNEIDERMAN: I think that this is a good example of a bad way to change public policy.

What this legislation does is takes a hearing that, under the law as currently

crafted, requires a judge to assess whether or not a defendant who has not been convicted of any crime -- this is someone who is innocent until proven guilty -- whether that person should be allowed to post bail or be held in incarceration to secure their presence at a trial.

The court is already allowed to take into account, in fact, mandated to take into account the weight of the evidence against the defendant in the pending criminal action. And any other factor -- and I'm reading from the current law -- indicating probability or improbability of conviction. That would include, presumably, all the prior record issues, the other types of evidence that, according to the sponsor, would now be allowed in under this bill.

It is not necessary to pass this bill in order for a court to have a full and fair assessment of the entire record and history of a defendant.

What this bill does is says that if there's someone who they may or may not be guilty, the court may be absolutely convinced

is going to show up for trial and try to vindicate themselves, but the court finds is a danger to the victim, members of the community -- which is not defined -- or to himself, then that person could be held without bail.

This would -- and I've participated in a lot of bail hearings -- this could especially open up an entire new area of inquiry. This puts courts in the position of holding a minitrial on charges as to which indictments have never even been filed, whether or not a defendant is likely to cause harm to some other member of the community. A prosecutor could introduce evidence about someone that has nothing to do with the charges pending against that defendant. That's what would be permitted under this law.

And I appreciate the sponsor's concern with the current state of the law. And it very, very well may be that some modification of the section of law dealing with the assessment of other factors other than the likelihood of a defendant's returning for trial is required.

But I would urge the sponsor and urge my colleagues that this bill turns a bail hearing into an open-ended inquiry on charges unrelated to the subject matter of the proceeding. There could be someone who is alleged to have stolen a car, and evidence relating to some completely unrelated conduct relating to a threat against a third party would come in.

Again, the cost in terms of prosecutorial time and defense time could be substantial. And we're faced again with a situation which could impose substantial injustice.

If a prosecutor had evidence and witnesses to introduce on one of these unrelated subjects to the trial that's supposedly the subject matter of the bail proceeding, the defense -- a poor defendant, an indigent defendant -- might not be able to respond adequately. Again, it's up to the counties to pay for the defense lawyers, to pay for expert witnesses if necessary.

On the other hand, if you had a well-to-do defendant who was prepared to call

lots of witnesses and could put on a case, that would put an additional burden on the prosecutors which they might feel compelled to respond to.

I respectfully submit that it is ridiculous to state in the note that the fiscal implications of this bill are none. Counties will have to pay for whatever the costs are of this completely new area of bail inquiry.

So while I believe that the sponsor's intent to address some gaps in the current law is absolutely sincere and absolutely good, the way this statute is crafted it turns a bail hearing into something more like an open-ended minitrial on subject matter to be determined by the prosecutor opposing the bail application.

I vote no. I would urge that we reconsider this, try and draft something that's more likely to actually accomplish the goal. But until then, this is a bad way to make policy. And I'm afraid the unintended consequences and the unanticipated expenses that this legislation would impose require us

to vote against it.

Thank you.

THE PRESIDENT: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Madam President. I want to thank my colleague Senator Maziarz for sponsoring this bill. I am a proud cosponsor, along with a number of other members of my -- this side of the aisle.

And I rise to support this bill because I believe it's very important that we look at it in the context of the domestic violence cases which unfortunately are all too prevalent in this state.

When one looks at the Cahill case that is the genesis of this particular piece of legislation, you can clearly see that there were opportunities where Jill Cahill's life could have been spared had the courts been allowed to either refuse bail under the first circumstance of his arrest, when Mr. Cahill attempted to kill his wife by hitting her over and over again with a baseball bat, or when he was subsequently found to be sneaking around in her hospital room despite the fact that there was an order of protection that should

have prevented him from going anyplace near her. At that point, why was not bail revoked?

It troubles me greatly that the issue of domestic violence and the obvious threats to women by an abusive -- in this case, a wantonly depraved individual would be given such a priority over the rights of the victim.

It is extremely important that we pass this piece of legislation. Senator Maziarz has done a commendable job of addressing the unique circumstances when it would be applicable. It in no way interferes with the pursuit of justice and the right of most people to be able to achieve bail for other offenses. And some violent offenses would still be bail-eligible.

But clearly, in an extreme case where the risk is so great that a person has a attempted to kill once, has indicated an absolute determination to complete the act, we have a responsibility to deny bail to that type of individual in this state and to protect the would-be victims of such killers.

THE PRESIDENT: Does any other

member wish to be heard?

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Breslin, to explain your vote.

SENATOR BRESLIN: To explain my vote.

Madam President, in all deference to Senator Hoffmann's remarks, I believe that most judges would have denied bail in the situation that was presented and would be legally entitled to deny bail.

In this bill, by making something more specific, you really reduce the discretion of a judge when establishing bail. And we learned early in law school that frequently when we make things specific, we take away the discretion on the part of the judiciary.

And I think that the current

statute more than enough covers the situation that was presented here today. And in addition, the unintended consequences, as Senator Schneiderman has pointed out, to the dollars that will have to be produced by the county to both prosecute and defend.

So for both of those reasons, I vote in the negative.

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

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1127 are Senators Breslin, Montgomery, Paterson, and Schneiderman. Ayes, 53. Nays, 4.

THE PRESIDENT: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1137, by Senator Alesi, Senate Print 949, an act to amend the Correction Law.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Lay the bill

aside for the day.

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

SENATOR SKELOS: Is there any housekeeping at the desk?

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

SENATOR SKELOS: Madam President, if I could at this time, on behalf of Senator Bruno, just mention to the members and all listening that it is a very, very special day for two individuals.

It's Senator John Marchi's birthday, and John is 83 years young today.

(Applause.)

SENATOR SKELOS: And also our distinguished Minority Leader is 50 years old today.

(Applause.)

SENATOR SKELOS: May I say, may they both live as long as Moses.

(Laughter.)

THE PRESIDENT: Thank you, Senator.

Congratulations to both of you.

Many, many more youthful years.

Senator Paterson.

SENATOR PATERSON: Madam President, I'd just like to point out that I came in my office this morning, I was surprised by Senator Bruno and Senator Marchi. I thought they had come to switch offices in advance of this year's elections.

(Laughter.)

SENATOR PATERSON: But they said no, they came to wish me happy birthday.

And as I think everyone knows, that Senator Marchi has served with distinction for 48 years here in the Legislature. And he has been the chair of the Finance Committee, he has been a number of things. And my family, lifelong Democrats, one of my parents -- so that I can protect the other one -- voted for Senator Marchi for mayor in 1969.

And really because of the greatness that he displays as a human being, his integrity, and really just the warm friendship that he offered me ever since the first day we came here -- and he said that he always got together with the former speaker of the

Assembly, Speaker Steingut, because his birthday had been also on May 20th, and so he and I have continued the tradition. And it is in that spirit that I wish him a happy birthday.

(Applause.)

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: I rise in the presence of your beautiful presence.

THE PRESIDENT: As I said, you're very youthful, Senator.

(Laughter.)

SENATOR MARCHI: It's very gratifying. I'm somewhat older than everyone in this chamber, in this building. But believe me, I have not made any supreme sacrifice to be here. It's been the labor of love. I have enjoyed every minute of it. I love everybody in this room, on both sides of the aisle. These are all good people. And I'm proud to know them, proud to consider them friends.

And Dave, of course, is the epitome of civility, erudition. Speaks so well, is so literate, really, that it has been a joy just

to hear him mumble something.

And all of you have been a joy to share friendship with me. So I'm very, very happy to be here.

They dedicated -- the mayor down in New York dedicated a ferry, the name, to me. And it will be in the harbor maybe five or six months from now. But you're all invited to come on a maiden voyage. No fee or anything will be required except your presence.

(Laughter.)

SENATOR MARCHI: So you can see how I -- honestly, I do everything possible to fend off anything that separates me from all of you. And I'll continue doing that.

But it's been most enjoyable, most heartwarming for me and my family. Made no sacrifice, really. It's been just the joy of my life, and I revel in it.

Thank you very much.

(Applause.)

THE PRESIDENT: Senator Marchi, thank you.

Senator Skelos.

SENATOR SKELOS: Both members,

many more years in their respective seats.

(Laughter.)

THE PRESIDENT: So ordered.

(Laughter.)

SENATOR SKELOS: Madam President, there being no further business to come before the Senate, I move we stand adjourned until Monday, May 24th, at 3:00 p.m., intervening days being legislative days.

THE PRESIDENT: On motion, the Senate stands adjourned until Monday, May 24th, 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:05 p.m., the Senate adjourned.)