NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 1, 2005

3:15 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: 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, Monday, February 28, the Senate met pursuant to adjournment. The Journal of Sunday, February 27, 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 Bruno.

SENATOR BRUNO: Madam President, I believe I have a privileged resolution at the desk. I would ask that it be read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 510, honoring Elizabeth Day upon the occasion of her selection as New York State Teacher of the Year for 2005.

"WHEREAS, It is the sense of this Legislative Body to commend the efforts of those individuals in the teaching profession who distinguish themselves in their dedication and commitment to their students; and

"WHEREAS, Attendant to such concern, and in full accord with its

long-standing traditions, this Legislative Body is justly proud to honor Elizabeth Day upon the occasion of her selection as New York State Teacher of the Year for 2005 by the New York State Education Department. Chosen to represent New York State's educators, her yearlong reign began September 1, 2004; and

"WHEREAS, A native of Mechanicville, and herself a product of its outstanding school system, Elizabeth Day has taught in the Mechanicville City School District for the past 27 years. This exceptional mentor takes great pride in teaching sixth grade in the state's smallest city, located in Saratoga County; and

"WHEREAS, After graduating from Siena College in 1976, Elizabeth Day pursued her graduate degree and earned her Master's in Special Education and Elementary Education from the College of St. Rose. In the fall of 1978, she began her illustrious teaching career in the Mechanicville school system; and

"WHEREAS, Elizabeth Day recently traveled to Dallas, Texas, where she was presented with a Teaching Excellence Award by

the SMARTer Kids Foundation. Moreover, arrangements have been made to meet with President George W. Bush in the White House Rose Garden later in the year; and

"WHEREAS, The future success of our state and nation is dependent upon individuals such as Elizabeth Day, who dedicate their lives as educators, nurturing our most precious resource, our youth; and

"WHEREAS, Throughout her career thus far, Elizabeth Day has brought an uncompromising standard of excellence to her work and a warm sense of caring and concern to every young person she educates; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Elizabeth Day upon the occasion of her selection as New York State Teacher of the Year for 2005; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Elizabeth Day."

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam

President and colleagues.

You have just heard a resolution recognizing teacher Elizabeth Day. And I'm proud to stand, because Elizabeth is one of my constituents. And I'm as proud as I can be.

Elizabeth, I know your mom is there with you, Claire, and she's proud; and your Aunt Teresa and your husband, John. Your family, your friends, the entire community, the Senate recognizes your achievements.

Now, you think about becoming the Teacher of the Year among all of the teachers in New York State. Twenty-seven years, Elizabeth, in Mechanicville, one of the smallest cities in New York State. Grew up there, went to school, where she now teaches sixth grade and is teaching with some of her teachers and her students, neighbors, friends.

That is quite an achievement in your early life. And you have a lot more years to be of service. You're really a role model for teachers and for students and for anyone in life where it's so important to excel.

"Never accept less than your best."

That's what Elizabeth puts on her board every day that she teaches. Never accept less than your best. Think of that life lesson for a young person. Think about a life lesson for ourselves, never accepting less than your best.

I want to say thank you. Thank you for your service, thank you for what you do for young people, where you touch their lives, not just presently but in the future, and you enrich their lives.

So we say we're proud here in this chamber. And the resolution that you've heard read will become part of the records of New York State by number, so that children, grandchildren, friends 20, 30, 50 years from now can call that resolution up and read the chronicle of what you have achieved in your life.

So congratulations to you, and God bless you and your family.

Thank you, Madam President.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

(Applause.)

THE PRESIDENT: Also, I would like to offer my congratulations. I was a teacher for a decade, my first career out of college, and I know how challenging especially the middle-school level can be.

But no career could be more important or more worthwhile than what you're doing. I'm pleased to see you getting the recognition you deserve. Best wishes for continued success.

Senator Bruno.

SENATOR BRUNO: Madam President, we are graced by the presence of the Speaker of the New York City Council, Gifford Miller, who I believe is the youngest --

(Applause.)

SENATOR BRUNO: And, Madam President, I believe that there is a resolution at the desk by Senator Little. I

would ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

SENATOR BRUNO: Madam President, can we temporarily lay that resolution aside. And we'll take up the noncontroversial reading of the calendar.

THE PRESIDENT: The resolution is temporarily laid aside.

The Secretary will read.

THE SECRETARY: Calendar Number 27, by Senator Balboni, Senate Print 179A, an act to amend the Executive Law, in relation to local disaster preparedness plans.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

48, by Senator Little, Senate Print 738A, an act to amend the General Business Law, in relation to reducing the period.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as Chapter 635 of the Laws of 2004.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 61, by Senator Marcellino, Senate Print 632, an act to amend the Environmental Conservation Law, in relation to management of wildlife resources.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of January.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 74, by Senator LaValle, Senate Print 557, an act to amend the Education Law --

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 76, by Senator DeFrancisco, Senate Print 41, an act to amend the Surrogate's Court Procedure Act, in relation to computation.

THE PRESIDENT: 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, 53. Nays, 1. Senator Padavan recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

81, by Senator Marchi, Senate Print 1417, an act to amend the Judiciary Law and the Education Law, in relation to creating.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 93, by Senator Larkin, Senate Print 78, an act to amend the Civil Practice Law and Rules, in relation to authorizing.

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, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 97, by Senator Trunzo, Senate Print 851, an act to amend the Penal Law, in relation to prohibiting stalking by technological means.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 99, by Senator Volker, Senate Print 880, an act to amend the Criminal Procedure Law, in relation to receiving.

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, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 123, by Senator Robach, Senate Print 2165, an act to amend the Retirement and Social Security Law, in relation to the extension of temporary benefits.

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, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 124, by Senator Robach, Senate Print 2182, an act to amend the Retirement and Social Security Law, in relation to membership.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

THE PRESIDENT: The bill is passed.

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

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

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 74, by Senator LaValle, Senate Print 557, an act to amend the Education Law.

SENATOR SCHNEIDERMAN: Explanation.

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

SENATOR LaVALLE: Madam President, this is legislation that this house passed last year. It's sponsored by Assemblyman Schimminger in the Assembly.

And it really requires new public policy for our Board of Regents, the State

University Board of Trustees, and the City University Board of Trustees to attach, where appropriate, where there are fiscal implications, a fiscal note, so that we and the general public will understand that when they make policy decisions and there are fiscal implications, we will know what those fiscal implications are.

It is consistent with what we do in the Legislature to attach fiscal notes to legislation.

THE PRESIDENT: Does any member wish to be heard?

Then the debate is closed.

The Secretary will ring the bell.

Senator Skelos.

SENATOR SKELOS: Announce the results, please.

THE PRESIDENT: We have to 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 PRESIDENT: The Secretary

will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 74 are Senators Andrews, Hassell-Thompson, and Montgomery.

Absent from voting on Calendar Number 74, Senator Hannon.

Ayes, 54. Nays, 3.

THE PRESIDENT: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could turn to motions and resolutions, I believe there's a resolution at the desk by Senator Little. If we could have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Little, Legislative Resolution Number 588, paying tribute to the life and accomplishments of Lucy Beaman Hobbs Taylor, the first woman to graduate from a recognized dental college.

THE PRESIDENT: Senator Little.

SENATOR LITTLE: Thank you, Madam

President.

This is a resolution in honor of Lucy Beaman Hobbs Taylor, who was born in the small town of Ellenburg, in Clinton County, New York, in my district, in 1833.

This is a woman who paved the way for women to attend dental school. After being a teacher and trying to get into medical school, Lucy Hobbs decided to become a dentist --

THE PRESIDENT: I ask, please, for order.

Thank you.

Senator Little, please proceed.

SENATOR LITTLE: However, being that there were no female dentists at the time and they were not allowed to go to dental school, she continued to try to get into dental school and worked for a dentist in Iowa.

It's interesting that the American Dental Convention decided and said that they would boycott any dental school that did not admit her. So she was finally admitted to dental school.

And as a result of her paving the way, over half the people today in dental school are women.

The reason that we would like to honor her is because we'd like to bring her story to the forefront in the hopes that she will be admitted to the Women's Hall of Fame in Seneca Falls this year.

Lucy Beaman Hobbs Taylor will be honored this year as one of our Historic Women of Distinction. And I'm very proud to speak on her behalf since she was born in my district in, as I said, Ellenburg, New York, Clinton County.

Thank you. And we would open it up.

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

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 Skelos.

SENATOR SKELOS: Is there any further business to come before the Senate?

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

SENATOR SKELOS: There being no further business to come before the Senate, I move we stand adjourned until Wednesday, March 2nd, at 11:00 a.m.

THE PRESIDENT: On motion, the Senate stands adjourned until Wednesday, March 2nd, 11:00 a.m.

(Whereupon, at 3:38 p.m., the Senate adjourned.)