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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

1 P R O C E E D I N G S

2 THE PRESIDENT: The Senate will
3 please come to order.

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

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

9 THE PRESIDENT: In the absence of
10 clergy, may we bow our heads in a moment of
11 silence, please.

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

14 THE PRESIDENT: Reading of the
15 Journal.

16 THE SECRETARY: In Senate,
17 Monday, February 28, the Senate met pursuant
18 to adjournment. The Journal of Sunday,
19 February 27, was read and approved. On
20 motion, Senate adjourned.

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

24 Presentation of petitions.

25 Messages from the Assembly.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.

7 Senator Bruno.

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

12 THE PRESIDENT: The Secretary
13 will read.

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

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

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

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

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

16 "WHEREAS, After graduating from
17 Siena College in 1976, Elizabeth Day pursued
18 her graduate degree and earned her Master's in
19 Special Education and Elementary Education
20 from the College of St. Rose. In the fall of
21 1978, she began her illustrious teaching
22 career in the Mechanicville school system; and

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

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

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

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

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

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

24 THE PRESIDENT: Senator Bruno.

25 SENATOR BRUNO: Thank you, Madam

1 President and colleagues.

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

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

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

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

25 "Never accept less than your best."

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

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

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

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

22 Thank you, Madam President.

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

1 (Response of "Aye.")

2 THE PRESIDENT: Opposed, nay.

3 (No response.)

4 THE PRESIDENT: The resolution is
5 adopted.

6 (Applause.)

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

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

17 Senator Bruno.

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

22 (Applause.)

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

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

3 THE PRESIDENT: The Secretary
4 will read.

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

9 THE PRESIDENT: The resolution is
10 temporarily laid aside.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 27, by Senator Balboni, Senate Print 179A, an
14 act to amend the Executive Law, in relation to
15 local disaster preparedness plans.

16 THE PRESIDENT: Read the last
17 section.

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

20 THE PRESIDENT: Call the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 53.

23 THE PRESIDENT: The bill is
24 passed.

25 THE SECRETARY: Calendar Number

1 48, by Senator Little, Senate Print 738A, an
2 act to amend the General Business Law, in
3 relation to reducing the period.

4 THE PRESIDENT: Read the last
5 section.

6 THE SECRETARY: Section 3. This
7 act shall take effect on the same date and in
8 the same manner as Chapter 635 of the Laws of
9 2004.

10 THE PRESIDENT: Call the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 53.

13 THE PRESIDENT: The bill is
14 passed.

15 THE SECRETARY: Calendar Number
16 61, by Senator Marcellino, Senate Print 632,
17 an act to amend the Environmental Conservation
18 Law, in relation to management of wildlife
19 resources.

20 THE PRESIDENT: Read the last
21 section.

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

24 THE PRESIDENT: Call the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 54.

2 THE PRESIDENT: The bill is
3 passed.

4 THE SECRETARY: Calendar Number
5 74, by Senator LaValle, Senate Print 557, an
6 act to amend the Education Law --

7 SENATOR SCHNEIDERMAN: Lay it
8 aside.

9 THE PRESIDENT: The bill is laid
10 aside.

11 THE SECRETARY: Calendar Number
12 76, by Senator DeFrancisco, Senate Print 41,
13 an act to amend the Surrogate's Court
14 Procedure Act, in relation to computation.

15 THE PRESIDENT: Read the last
16 section.

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

19 THE PRESIDENT: Call the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 53. Nays,
22 1. Senator Padavan recorded in the negative.

23 THE PRESIDENT: The bill is
24 passed.

25 THE SECRETARY: Calendar Number

1 81, by Senator Marchi, Senate Print 1417, an
2 act to amend the Judiciary Law and the
3 Education Law, in relation to creating.

4 THE PRESIDENT: Read the last
5 section.

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

8 THE PRESIDENT: Call the roll.
9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 55.

11 THE PRESIDENT: The bill is
12 passed.

13 THE SECRETARY: Calendar Number
14 93, by Senator Larkin, Senate Print 78, an act
15 to amend the Civil Practice Law and Rules, in
16 relation to authorizing.

17 THE PRESIDENT: Read the last
18 section.

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

21 THE PRESIDENT: Call the roll.
22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 55.

24 THE PRESIDENT: The bill is
25 passed.

1 THE SECRETARY: Calendar Number
2 97, by Senator Trunzo, Senate Print 851, an
3 act to amend the Penal Law, in relation to
4 prohibiting stalking by technological means.

5 THE PRESIDENT: Read the last
6 section.

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

10 THE PRESIDENT: Call the roll.
11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 55.

13 THE PRESIDENT: The bill is
14 passed.

15 THE SECRETARY: Calendar Number
16 99, by Senator Volker, Senate Print 880, an
17 act to amend the Criminal Procedure Law, in
18 relation to receiving.

19 THE PRESIDENT: Read the last
20 section.

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

24 THE PRESIDENT: Call the roll.
25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 55.

2 THE PRESIDENT: The bill is
3 passed.

4 THE SECRETARY: Calendar Number
5 123, by Senator Robach, Senate Print 2165, an
6 act to amend the Retirement and Social
7 Security Law, in relation to the extension of
8 temporary benefits.

9 THE PRESIDENT: Read the last
10 section.

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

13 THE PRESIDENT: Call the roll.
14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 55.

16 THE PRESIDENT: The bill is
17 passed.

18 THE SECRETARY: Calendar Number
19 124, by Senator Robach, Senate Print 2182, an
20 act to amend the Retirement and Social
21 Security Law, in relation to membership.

22 THE PRESIDENT: Read the last
23 section.

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

1 THE PRESIDENT: Call the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 56.

4 THE PRESIDENT: The bill is
5 passed.

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

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

11 THE PRESIDENT: The Secretary
12 will read.

13 THE SECRETARY: Calendar Number
14 74, by Senator LaValle, Senate Print 557, an
15 act to amend the Education Law.

16 SENATOR SCHNEIDERMAN:
17 Explanation.

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

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

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

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

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

12 THE PRESIDENT: Does any member
13 wish to be heard?

14 Then the debate is closed.

15 The Secretary will ring the bell.

16 Senator Skelos.

17 SENATOR SKELOS: Announce the
18 results, please.

19 THE PRESIDENT: We have to read
20 the last section.

21 THE SECRETARY: Section 4. This
22 act shall take effect immediately.

23 THE PRESIDENT: Call the roll.

24 (The Secretary called the roll.)

25 THE PRESIDENT: The Secretary

1 will announce the results.

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

6 Absent from voting on Calendar
7 Number 74, Senator Hannon.

8 Ayes, 54. Nays, 3.

9 THE PRESIDENT: The bill is
10 passed.

11 Senator Skelos.

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

17 THE PRESIDENT: The Secretary
18 will read.

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

24 THE PRESIDENT: Senator Little.

25 SENATOR LITTLE: Thank you, Madam

1 President.

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

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

11 THE PRESIDENT: I ask, please,
12 for order.

13 Thank you.

14 Senator Little, please proceed.

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

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

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

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

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

15 Thank you. And we would open it
16 up.

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

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

22 (Response of "Aye.")

23 THE PRESIDENT: Opposed, nay.

24 (No response.)

25 THE PRESIDENT: The resolution is

1 adopted.

2 Senator Skelos.

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

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

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

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

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

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