NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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REGULAR SESSION

SENATOR CARL L. MARCELLINO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MARCELLINO: The Senate will come to order.

I would 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.)

ACTING PRESIDENT MARCELLINO: The invocation today will be given by His Eminence Edward Cardinal Egan, the Archbishop of the Roman Catholic Archdiocese of New York.

CARDINAL EGAN: Thank you very much for the honor of being here with you and for offering a prayer together.

Almighty and Eternal Father, we place ourselves in Your presence to ask Your blessing. We thank You for the privilege that is ours, to live and to work out our salvation in a nation committed to justice and opportunity for all without distinction of race or creed.

We thank You for the privilege that is ours, to live and to work out our salvation in the Empire State of New York, where men and

women of every background come together to build a community distinguished for its energy, tolerance, and economic and cultural achievements.

We thank You for the leadership of our Governor and his administration, for our State Legislature, and for the dedicated public servants who labor with devotion and professional excellence for all of us.

At the same time, Lord, we present to You our needs. Grant us peace in our hearts, peace in our streets, and, above all, peace among nations across the world.

Grant us the wisdom and compassion to see the suffering of the needy among us and to come to their aid, especially those who are hungry and homeless, who are ill, who are mentally afflicted, who are recent arrivals in our land. Grant us a willingness to hear the views of all with openness and respect.

And finally, Lord, grant us the grace to see each and every human being who crosses our path in life as Your child, fashioned in Your image and likeness and blessed with a dignity that knows no limit.

All of this we pray, in a very special way begging Your grace and benediction on the Senators of this great state, on their families, and on all of us who are so fortunate to have women and men of excellence and devotion serving us, guiding us, leading us.

Amen.

ACTING PRESIDENT MARCELLINO: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

Cardinal Egan, let me just say on behalf of my fellow Senators how pleased we are for you to be here with us and for that beautiful blessing and prayer. We need prayers and blessings.

I think, for the first time in my 29-year career here, the Cardinal brought with him eight diocesan bishops from every diocese in the state of New York, and a total of 15 bishops that came with you for the Catholic Conference today. We would have them here in the gallery, but there's not room up there for them all.

So we're delighted to have you here. We're honored by your presence. And thank you so much, Cardinal.

CARDINAL EGAN: Thank you, Senator Farley, very much.

(Applause.)

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Reading of the Journal, please.

ACTING PRESIDENT MARCELLINO: May we have the reading of the Journal.

THE SECRETARY: In Senate, Monday, March 7, the Senate met pursuant to adjournment. The Journal of Friday, March 4, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MARCELLINO: 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 Johnson, from the Committee on Finance, reports the following nominations:

As Commissioner of General Services, Daniel Hogan, of Slingerlands.

ACTING PRESIDENT MARCELLINO: Senator Johnson.

SENATOR JOHNSON: Move the nomination, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Mr. President.

On this nomination, I just want to congratulate Dan and his family. Dan actually came to Albany from Niagara County under the auspices and direction of former State Senator, my predecessor, John Daly.

He did an excellent job, I know, working for the Senate for a number of years, and then went to work for Governor Pataki in various capacities. And has always, always done an excellent job, has built a great reputation out here.

Now, I don't know why he would

prefer to live in the Capital District, as opposed to Niagara, with the weather that we have here. And it's 80 degrees in Niagara County today, Dan.

(Laughter.)

SENATOR MAZIARZ: But having said that, Mr. President, I wholeheartedly want to second this nomination, congratulate Dan, his family. I know that his family back in Niagara is extremely proud, not just of this appointment, as well they should be, but of all the accomplishments that you've had during your entire public career.

Congratulations. Good luck.

ACTING PRESIDENT MARCELLINO: Senator Spano.

SENATOR SPANO: Thank you, Mr. President.

It's my pleasure to speak in favor and to second the nomination of Dan Hogan.

As chair of the Investigations Committee, normally Mr. Hogan's, Commissioner Hogan's nomination would go before that committee. But I was on a bit of a hiatus earlier this year, so you went directly to

Finance.

(Laughter.)

SENATOR SPANO: If your nomination had gone through the committee, certainly we would have found you to be very well qualified for this position. Having served in a legislative capacity and also on the regulatory side of government, you have the unique experience to lead an agency.

And we will all certainly be proud of you, and the Governor should be proud of you as an outstanding commissioner. It's my pleasure to second your nomination today.

ACTING PRESIDENT MARCELLINO: Senator Volker.

SENATOR VOLKER: Mr. President, I'd like to second the nomination of Dan Hogan, who I've known for probably 20, 25 years.

As I think most of you know, John Daly and I were very close, and in fact I think we almost grew Dan Hogan up. And I just want to say that there couldn't be a better nominee for OGS than Dan.

We're proud of what he has been

able to accomplish, and I'm sure he'll continue to be a credit to the State of New York.

ACTING PRESIDENT MARCELLINO: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

I rise to commend the Governor for selecting a very competent and capable professional from my district, someone who graduated with the highest honors from Buffalo, who served Senator John Daly, a friend of all of ours, so well. He was the chief aide for Senator Michael Hoblock, the Deputy County Executive in Albany.

And every place he's gone, he's performed admirably. And he'll continue to perform as admirably as the successor to Ken Ringler in the Office of General Services.

I commend Dan and wish him well.

ACTING PRESIDENT MARCELLINO: Senator Farley, please.

SENATOR FARLEY: Thank you, Mr. President.

I also rise to support Dan Hogan, a

graduate of the Daly school and somebody that has come out of the Senate and really performed so well.

You know, the Commissioner of General Services is a terribly, terribly important job for those of us in the Capital District. Needless to say, we have a lot of employees and buildings and so forth that affect our constituents. It's a difficult office, and one that was served admirably by his predecessor, Ken Ringler.

And I know that every job that Dan Hogan has done, he's done well. And I look forward to working with him, and wish you the very best.

I spoke with him this morning as he was stuck in traffic in this snowstorm, but he made it through. And you make it through on everything. All the best to you, Dan.

ACTING PRESIDENT MARCELLINO: Any other Senator wishing to be heard?

The question is on the confirmation of Dan Hogan as Commissioner of General Services. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The nominee is hereby confirmed.

Congratulations, Mr. Hogan.

Mr. Hogan is joined today in the audience by his wife, Carrie Hogan; his daughter, Madeline Hogan; his other daughter, Siobhan Hogan; son, John; and sister, Alyssa.

Congratulations, Mr. Hogan.

(Applause.)

ACTING PRESIDENT MARCELLINO: The Secretary will read the rest of the nominations.

THE SECRETARY: As a member of the Dormitory Authority, Anthony B. Martino, of Buffalo.

As members of the Capital District Transportation Authority, Donald C. MacElroy, of Clifton Park, and Arthur F. Young, of Delmar.

As members of the Port of Oswego Authority, Pamela Caraccioli, of Oswego, and James G. Cloonan, of Oswego.

As a member of the Rochester-Genesee Regional Transportation Authority, Robert Radley, of Batavia.

As members of the Saratoga Capital District State Park, Recreation and Historic Preservation Commission, Stuart H. Angert, of Amherst, and Heather Mabee, of Saratoga Springs.

As a member of the State Park, Recreation and Historic Preservation Commission for the City of New York, Edward F. Cox, Esquire, of New York City.

As a member of the Waterfront and Airport Commission of New York and New Jersey, Michael C. Axelrod, Esquire, of Roslyn.

As a member of the Board of Directors of the New York Convention Center Operating Corporation, Joseph E. Spinnato, of Muttontown.

As a member of the Public Health Council, Peter G. Robinson, of Rochester.

As members of the State Council on the Arts, Charles C. Bergman, of New York City, and Lawrence Herbert, of New York City.

And as members of the Board of

Visitors for the New York School for the Blind, James Robert MacConnell, of Bergen, and Charles R. Ruffino, of Batavia.

ACTING PRESIDENT MARCELLINO: The question is on the nominations as read by the Secretary.

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The nominees are confirmed.

The Secretary will read.

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

Senate Print 552, Senate Budget Bill, an act making appropriations for the legal requirements.

ACTING PRESIDENT MARCELLINO: Without objection, the bill is reported directly to third reading.

Reports of select committees.

Communications and reports from

state officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: Mr. President, I move that we adopt the Resolution Calendar in its entirety.

ACTING PRESIDENT MARCELLINO: All in favor of adopting the Resolution Calendar in its entirety signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a Resolution Number 722, by Senator Winner, at the desk. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: By Senator Winner, Legislative Resolution Number 722, memorializing Governor George E. Pataki to

proclaim March 8, 2005, as "Occupational Health Awareness and Outreach Day" in the State of New York.

SENATOR SKELOS: Mr. President, I believe Senator Winner wishes to open the resolution for cosponsorship. If anybody wishes not to cosponsor the resolution, they should notify the desk.

ACTING PRESIDENT MARCELLINO: Anyone wishing not to be on the resolution please notify the desk as such.

All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: All opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The ayes have it. The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, at the desk there's a Resolution Number 723, by Senator Rath. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT MARCELLINO: The

Secretary will read.

THE SECRETARY: By Senator Rath, Legislative Resolution Number 723, memorializing The Honorable George E. Pataki to designate March 2005 as "Women's History Month" in the State of New York.

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

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe Senator Rath wishes to open up the resolution for cosponsorship. If anybody wishes not to sponsor the resolution, they should notify the desk.

ACTING PRESIDENT MARCELLINO: Again, if anyone wishes not to be on this resolution, please notify the desk. Otherwise, everybody will be placed on the

resolution.

Senator Skelos.

SENATOR SKELOS: Mr. President, Resolution Number 178, by Senator Golden, that was previously adopted on January 25th, I ask that it be read in its entirety at this time.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: By Senator Golden, Legislative Resolution Number 178, honoring Brooklyn College student Eugene Shenderov upon the occasion of earning a 2005 Rhodes Scholarship.

"WHEREAS, It is the intent of this Legislative Body to honor the young adults of today, and the leaders of tomorrow, whose character and achievements best exemplify the ideals and values cherished by this great State and Nation; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, it is the sense of this Legislative Body to honor Brooklyn College student Eugene Shenderov upon the occasion of earning a 2005 Rhodes Scholarship;

and

"WHEREAS, Eugene Shenderov was diagnosed with leukemia as a five-year-old in the Ukraine after the Chernobyl nuclear disaster. His family brought him to the United States for therapy. After years of treatment, he was brought back to full health; and

"WHEREAS, Eugene Shenderov's experience with leukemia prompted his interest in cancer research. At 21 years of age, he is a Brooklyn College senior in the B.A.-M.D. program and recently has been awarded a 2005 Rhodes Scholarship; and

"WHEREAS, Eugene Shenderov learned one night, after a full day of interviews with the District II Selection Committee of the Rhodes Trust, that he will be among those traveling to Oxford in October 2005, making him the second Brooklyn College student and the fifth student from the City University of New York ever to receive the most famous scholarship in the world; and

"WHEREAS, This will be a return visit to Oxford for Eugene Shenderov, who

spent the previous summer there on a Furman Undergraduate Travel Grant from Brooklyn College. He worked as a tumor immunology research assistant at John Radcliffe Hospital with Dr. Enzo Cerundolo at the Weatherall Institute of Molecular Medicine University at Oxford. Eugene Shenderov intends to earn a doctorate in immunology, with a specialty in cancer research; and

"WHEREAS, An outstanding student who has maintained a 4.0 grade point average, Eugene Shenderov is active in the community and possesses a wide range of interests. He is an Edward R. Murrow High School graduate, president of the Brooklyn College Chess Team, member of the Golden Key International Honor Society at Brooklyn College, director of the Brooklyn College Emergency Medical Squad, and a three-time letter winner on the men's tennis team; and

"WHEREAS, Poised eagerly with enthusiasm and determined purpose, this scholar now stands honorably, with just pride in his accomplishments and in eager anticipation of future challenges,

understanding and appreciating the caring counsel and support provided by his teachers, coaches and parents; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Brooklyn College student Eugene Shenderov upon the occasion of earning a 2005 Rhodes Scholarship; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Eugene Shenderov."

ACTING PRESIDENT MARCELLINO: Senator Golden.

SENATOR GOLDEN: Yes, Mr. President. I'd like to ask --

ACTING PRESIDENT MARCELLINO: Excuse me, Senator.

Excuse me. Can we have some order in the room, please.

Staff, will you take conversations out of the chambers.

Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

I'd like to ask the president,

Chris Kimmich, and our 21-year-old Rhodes Scholar, Eugene Shenderov, to please stand as I introduce them to this body as some people, some couple here that have achieved great goals.

This is the Brooklyn College president's second Rhodes Scholar out of Brooklyn College over the past five years. And I worked with him in the CUNY system when he was the acting chancellor when we had the changing times in New York City and we increased the ability for a child and an adult to get a good education at our colleges in CUNY in New York City.

I've had the good fortune of meeting Eugene several times. His ability to be able to overcome tragedy and to come to this country after surviving leukemia, and working with his family here -- his two siblings, his mom and his dad -- we are very, very proud of him to go on and be a Rhodes Scholar.

Our city of New York, our borough of Brooklyn, Brooklyn College are very proud, and the city and state of New York are very

proud of what Brooklyn College has been able to achieve, but more so what Eugene Shenderov has been able to accomplish at the very young age of 21 years of age.

Ladies and gentlemen, I introduce you to this great accomplished Rhodes Scholar, if you can join me.

(Standing ovation.)

SENATOR GOLDEN: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Golden.

The resolution was previously adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's another resolution at the desk that was previously adopted, by Senator Fuschillo.

Now, this is a very special resolution. And I ask that it be read at this time, and then if you would recognize Senator Fuschillo.

ACTING PRESIDENT MARCELLINO: The Secretary will read the resolution.

THE SECRETARY: By Senator

Fuschillo, Legislative Resolution Number 5995, congratulating the Merrick/North Merrick Little League 9-and-10-year-old Team upon the occasion of capturing the 2004 New York State 9-and-10-year-old Baseball Championship.

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

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

"WHEREAS, The Merrick/North Merrick Little League 9-and-10-year-old Team are the New York State 9-and-10-year-old Baseball Champions. They defeated South Shore of State Island in the Championship Game" --

ACTING PRESIDENT MARCELLINO: Can we please have some silence in the chamber so

we can hear the resolution. We have people in the audience who are particularly concerned about this. Thank you very much.

The Secretary will continue to read.

THE SECRETARY: "And Whereas, The Merrick/North Merrick Little League 9-and-10-year-old Team are the New York State 9-and-10-year-old Baseball Champions. They defeated South Shore of Staten Island in the Championship Game on August 10, 2004, in Pittsford, New York; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Manager Jason Shulman and Coaches Robert Ras and Michael Serota, skilled and inspirational tutors respected for their ability to develop potential into excellence; and

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

"WHEREAS, The hallmarks of the

Merrick/North Merrick Little League 9-and-10-year-old Team, from the opening game of the season to participation in the championship, were a brotherhood of athletic ability, of good sportsmanship and of honor, demonstrating that these team players are second to none; and

"WHEREAS, Manager Jason Shulman and Coaches Robert Ras and Michael Serota have done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Manager Jason Shulman and Coaches Robert Ras and Michael Serota and their outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their community; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor the Merrick/North Merrick Little League 9-and-10-year-old Team, its members -- Louis Eiler, John Eyerman, Chad Fuschillo, Zachary

Goldstein, Frankie Leavey, Jordan Leopold, Alex Ras, Robert Rosen, Brandon Serota, Noah Shulman, and Thomas Viverito -- Coaches Robert Ras and Michael Serota, and Manager Jason Shulman upon the occasion of capturing the 2004 New York State 9-and-10-year-old Baseball Championship; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Merrick/North Merrick Little League 9-and-10-year-old Team, Coaches Robert Ras and Michael Serota and Manager Jason Shulman."

ACTING PRESIDENT MARCELLINO: The Chair recognizes Senator Fuschillo, even though this team defeated a team from my district en route to the championship.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President. We defeated a lot of teams from members in this house here.

To say that I am delighted to rise and speak about this resolution is an understatement. To get up on this esteemed floor and talk about a team that became state champs that had my son involved is truly an

honor.

But this journey started back in June and July, when the manager, Jason Shulman, and the coaches wanted to pick 11 kids to compete in the Williamsport 9-to-10-year-old tournament just in their district, District 31. They swept through that undefeated. Then they went on to the Long Island champs. They trounced Senator Marcellino's teams in his district, and then we won the Long Island champs.

And then Pittsford, New York, which we never even heard of. And Senator Alesi's district hosted the state championships. And we went up there. Wappinger Falls was in the tournament, Staten Island, Amherst. Tough teams.

The first two games against Wappinger Falls and Amherst, they mercy-ruled them, which means if you have ten or more runs and you're ahead after the fourth inning, the game is over. So they were undefeated going into the finals playing against Staten Island, Senator.

(Laughter.)

SENATOR FUSCHILLO: We were down 5-1. I think it's man on first and second. Thomas Viverito gets up -- lefty, the slugger -- cracks a double in the outfield, we go up. Takes the lead. It's now 7-5. We won the game, we came from behind.

But I have to tell you something. Besides outscoring all the opponents in the championships 30 to 7 runs, there was a life lesson learned by these young kids. And it's just not about winning, although the coach is really happy that we won. What I saw was 11 kids that regardless of whether you struck out, grounded out, hit a home run -- which they were very happy about -- they all cheered the kids on you and said, "Don't worry, you'll do better," or "You did good." They stuck together.

And in the end, when it was all over, the seven-days-a-week practices, rain or shine, where the manager had them in Baseball Plus in Freeport if it was raining -- he had them out there. You know, him and the other coaches were so dedicated.

In the end, after it was all over,

we hosted a luncheon for the kids to celebrate this great victory. First time in 54 years in the Merrick Little League that a team was in this tournament and won it.

But the coach, the manager, Jason Shulman, I think wrapped it all up when he said: "While this is a great victory, and we all wanted to win, all I wanted to do was play ball with my kid." And I think that says it all, Jason.

So I'm going to ask the boys to stand up. And it's my great pleasure to introduce you boys to this esteemed body. Congratulations.

(Standing ovation.)

SENATOR FUSCHILLO: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Mr. President, if I could just comment, on behalf of Senator Bruno and the entire Majority and the Minority, the members of the Senate, we'd like to congratulate you.

Now, Chad, would you mind -- Chad

Fuschillo, would you mind just standing up for a moment?

I do that only so I can point out our colleague's son. And you look at him, you see a great athlete, you see a handsome young man, you see a young man that does well in school -- and he obviously takes after his mother, Ellen, who is sitting right over there.

(Laughter; applause.)

SENATOR SKELOS: Congratulations.

ACTING PRESIDENT MARCELLINO: Senator Balboni.

SENATOR BALBONI: Mr. President, I am thrilled to have this event occur right now, for a couple of reasons.

First, any time anybody wins something from a state perspective, it's such a huge state, what an honor. What an accomplishment.

Second, it's great to be sitting here in the chamber and hear giggling. We usually have some giggling here. But this is where the giggling is supposed to come from, the kids, who are so thrilled to be here.

It's also great to finally see that in the Fuschillo family a son has some athletic ability. They're thrilled about that.

(Boos; laughter.)

SENATOR BALBONI: But then, you know, I am also very thrilled to see -- Chuck, could you imagine what your dad would be saying? Two Fuschillos in this chamber today. Really great.

Congratulations, guys.

(Applause.)

ACTING PRESIDENT MARCELLINO: Senator Bonacic.

SENATOR BONACIC: Good afternoon.

You may ask why a Senator from the Hudson Valley and the Catskill area would get up today and honor this prestigious baseball team. Well, let me just share a couple of my experiences and my knowledge of your team.

I hang out with Senator Fuschillo up here in Albany. And I want to first of all congratulate the manager, the two coaches, the 11 young men. As far as I'm concerned, you were champions when you put that uniform on.

But as a former manager and coach, you get a certain thrill in working with the youth. I can't tell you how we heard of every game from this Senator -- not only me, but other Senators -- more so than Yankee games and professional baseball games. We heard about the players, we heard about the scores, we heard about the excitement.

And we were involved with your baseball team, not knowing really any of the players but knowing the good Senator from Nassau County.

So I will close and say simply that what you accomplished is priceless in terms of your memories. You may go to high school and college and never achieve the level of excellence that you've achieved at the 9-and-10-year-old level. I hope you go on to professional baseball and break all the records.

But I say to you, cherish this moment. Share it, when you're a dad, with your children and when, you're a grandparent, with your grandchildren.

Congratulations to all of you.

(Applause.)

ACTING PRESIDENT MARCELLINO: Senator Rath.

SENATOR RATH: Thank you, Mr. Chairman.

Sincerest congratulations to the team who beat one of the Amherst teams. I am from Amherst. My son played on one of the Amherst teams. Of course, not lately; it was a long time ago.

But, you know, we do have those little rivalries. We did not have a bet on that particular game, but we'll have to remember in the future, if there is an opportunity, we'll let you guys help make suggestions about what you might want. Some Buffalo chicken wings are pretty well known. And I would probably manage to get a lot of them sent out so that they could be enjoyed.

But I'd like to thank not only the team but the parents and coaches, having been a Little League parent manning the hot dog stand and getting the equipment cleaned up and all the kinds of things that all the parents do. Your dads and moms are proud of all of

you, your coaches are proud of you. And we in New York State are proud of you. Whether you're from Amherst or from Long Island, whoever the team is that wins the New York State championship is number one, and we're proud of you.

Congratulations.

(Applause.)

ACTING PRESIDENT MARCELLINO: This resolution was also previously adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT MARCELLINO: The Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 72, by Senator Little, Senate Print 730, an act to amend the General Municipal Law, in relation to the procurement.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO:

Senator Hassell-Thompson, to explain your vote.

SENATOR HASSELL-THOMPSON: To explain my vote.

In 2002, when this bill came before the Senate chambers, I voted no. And I seem to have been the only person at that time who did so. And it seems that today I will continue to be the only person that will vote no.

I continue to be concerned that -- with the process of bidding. And too often the opportunity for minorities and women to get into the bid process is so tenuous that to allow a continuance or a piggyback, as this bill is called, I think would lend itself to the inability for such contractors to get into the process.

Therefore, I will continue to vote no.

ACTING PRESIDENT MARCELLINO:

Senator Hassell-Thompson will be recorded in the negative.

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 1. Senator Hassell-Thompson recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 87, by Senator Maziarz, Senate Print 2155, an act to amend Chapter 135 of the Laws of 1998 amending the Workers' Compensation Law.

ACTING PRESIDENT MARCELLINO: Last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 88, by Senator Maziarz, Senate Print 2173, an act to amend Chapter 491 of the Laws of 1995

amending the Workers' Compensation Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 101, by Senator Balboni, Senate Print 935, an act to amend the Civil Rights Law, in relation to confidentiality.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 119, by Senator Little, Senate Print --

SENATOR SKELOS: Lay it aside for the day, please.

ACTING PRESIDENT MARCELLINO: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 122, by Senator Robach, Senate Print 1920, an act to amend the Civil Service Law and the State Finance Law, in relation to reporting.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 90th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 132, by Senator Libous, Senate Print 1818, an act to amend the Mental Hygiene Law, in relation to directing the State Commission on Quality of Care.

ACTING PRESIDENT MARCELLINO:

Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 134, by Senator DeFrancisco, Senate Print 567, an act to amend the Village Law, in relation to village officers.

ACTING PRESIDENT MARCELLINO:

Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number

136, by Senator Little, Senate Print 724, an act to amend the Town Law, in relation to authorizing the designation.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 139, by Senator LaValle, Senate Print 1353, an act to amend the General Municipal Law, in relation to allowing.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 141, by Senator LaValle, Senate Print 1391, an act to amend the Town Law, in relation to permitting fire districts.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 144, by Senator Marcellino, Senate Print 679, an act to amend the Navigation Law, in relation to providing an exemption.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 197, Senator Johnson moves to discharge, from the Committee on Finance, Assembly Bill Number 552 and substitute it for the identical Senate Bill Number 552, Third Reading Calendar 197.

ACTING PRESIDENT MARCELLINO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 197, Assembly Budget Bill, Assembly Print Number 552, an act making appropriations for the legal requirements of the state debt service.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

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

ACTING PRESIDENT MARCELLINO: The house is clean.

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

ACTING PRESIDENT MARCELLINO: On motion, the Senate stands adjourned until Wednesday, March 9th, at 11:00 a.m.

(Whereupon, at 3:48 p.m., the Senate adjourned.)