NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 8, 2006

11:05 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, please, in a moment of silence.

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 7, the Senate met pursuant to adjournment. The Journal of Monday, March 6, 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 page number 28 I offer the following amendments to Calendar Number 377, Senate Print Number 6805A, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR FUSCHILLO: Thank you.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, Senator DeFrancisco has passed a resolution and would like to comment on it at this time.

THE PRESIDENT: The Secretary will read the resolution.

THE SECRETARY: By Senator DeFrancisco, Legislative Resolution Number

3782, congratulating Judy Morenz and Peter "Sonny" Manos, III, as recipients of the 2006 New York Association for Continuing/Community Education Student of the Year Award.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Madam President.

We have with us Judy Morenz and Sonny Manos in chambers. And, you know, we technically passed this resolution yesterday, but they came here today and I thought it would be important for us to honor them as a body.

These are two individuals that had some difficulties early in life as far as education was concerned. But as a result of the effort of many, many people and as a result of the New York State Association for Continuing/Community Education, they were able to overcome some serious, serious obstacles and obtain their education and become successful members of the community since.

I just want to mention one thing about each one of them. Judy was an

individual who had to drop out of school in the 7th grade. Despite that, because of some difficulties she had in school, she never, ever stopped pursuing her education and she was able to obtain her high school equivalence. And she's now a volunteer tutor. And we're so proud in my district about Judy's accomplishments, and that's why we're honoring her today.

Secondly, Sonny Manos, who is also here, Sonny had some even more serious problems. He had serious substance abuse problems and problems that made him not the most productive person in society. In fact, he wasn't a productive person at all.

However, due to these incredible people that helped him, but also due to his own motivation, he obtained that education, got off of those terrible drugs and alcohol, and is now not only a productive member of the community but he's a successful businessman in our community, having a construction firm.

And one thing I wanted to mention, in getting that education, he would have to ride his bike, as an adult, five miles each

way each day to get that education. I'm sure most of us have not had to make that kind of sacrifice, because the education was right there for us.

So to both Judy and Sonny and to all those that helped them and to OCM BOCES, who nominated them for students of year, and I just want to congratulate them and let you know that we passed this resolution unanimously yesterday to honor both of you.

Thank you.

THE PRESIDENT: The resolution was previously adopted on March 7th.

Congratulations and best wishes to you.

Senator Skelos.

SENATOR SKELOS: Madam President, I believe there are some substitutions at the desk, if we could make them at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 23, Senator Saland moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 9279A and substitute it for the

identical Senate Bill Number 6298A, Third Reading Calendar 304.

And on page 29, Senator Saland moves to discharge, from the Committee on Transportation, Assembly Bill Number 8279 and substitute it for the identical Senate Bill Number 5332, Third Reading Calendar 387.

THE PRESIDENT: Substitutions ordered.

Senator Skelos.

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

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 200, by Senator Alesi, Senate Print 2049, an act to amend the Business Corporation Law, in relation to allowing homeowners associations.

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, 41.
THE PRESIDENT: The bill is passed.
THE SECRETARY: Calendar Number 201, by Senator Flanagan, Senate Print 2153, an act to amend the Public Authorities Law, in relation to tort claims.
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, 44.
THE PRESIDENT: The bill is passed.
THE SECRETARY: Calendar Number 208, by Senator Leibell, Senate Print 4728 --
SENATOR SKELOS: Lay it aside for the day.
THE PRESIDENT: The bill is laid for the day.
THE SECRETARY: Calendar Number 210, by Senator Leibell, Senate Print 5102A, an act to amend the Public Authorities Law, in

relation to prohibiting.

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.)

SENATOR SKELOS: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 258, by Senator Nozzolio, Senate Print 4015A, an act to amend the Highway Law, in relation to designating a portion of the state highway system.

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, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 304, substituted earlier today by Member of the Assembly Pheffer, Assembly Print Number 9279A, an act to amend the General Business Law, in relation to fees.

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, 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 329, by Senator Fuschillo, Senate Print 786, an act to amend the Education Law, in relation to notice to school districts.

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, 46. Nays,

1. Senator Parker recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 350, by Senator Morahan, Senate Print 5560, an act to amend the Mental Hygiene Law, in relation to electronic submission.

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, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 355, by Senator Volker, Senate Print 6221, an act to amend the Executive Law, in relation to extending provisions.

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, 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 387, substituted earlier today by Member of the Assembly Zebrowski, Assembly Print Number 8279, an act to amend the Public Authorities Law, in relation to quorum and voting requirements.

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, 49. Nays, 2. Senators Duane and Spano recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 389, by Senator Maziarz, Senate Print 6225, an act to amend the Highway Law, in relation to extending the "Niagara Wine Trail East."

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.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 401, by Senator Balboni, Senate Print 933, an act to amend the Family Court Act and the Domestic Relations Law, in relation to issuance.

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.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 406, by Senator Meier, Senate Print 5228, an

act to amend the Social Services Law, in relation to health professionals.

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.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 407, by Senator Trunzo, Senate Print 147, an act to amend the General Municipal Law, in relation to allowing.

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, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

419, by Senator Skelos, Senate Print 6829, an act to amend the Real Property Tax Law, in relation to allowing.

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.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 420, by Senator Skelos, Senate Print 6830, an act to amend the Real Property Tax Law, in relation to adjusted base proportions.

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.

THE PRESIDENT: The bill is passed.

The Secretary will now read Calendar 210.

THE SECRETARY: Calendar Number 210, by Senator Leibell, Senate Print 5102A, an act to amend the Public Authorities Law.

SENATOR SKELOS: Lay it aside for the day.

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

Senator Skelos, that completes the reading of the calendar this morning.

SENATOR SKELOS: Is there any further business at the desk?

THE PRESIDENT: No, there is not, Senator.

SENATOR SKELOS: Would you please recognize Senator Duane.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Thank you, Madam President.

I have a motion at the desk, and I'd like to have it called up at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senate Print

1454, by Senator Duane, an act to amend the Education Law.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Thank you, Madam President.

My bill would prohibit harassment against all students in public schools, including harassment and discrimination based on a person's actual or perceived race, color, national original, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

It would require each public school district to establish an antiharassment policy and an antidiscrimination policy. It would create school training programs on harassment and discrimination. It would raise sensitivity and awareness as well as enable staff to respond to harassment. And it would develop nondiscrimination instruction and counseling methods.

Finally, it would direct the commissioner of education to provide assistance and support to school districts, which may include model policies and direct

services, and to promulgate regulations to assist school districts in determining the proper response to violations of the act, with an emphasis on intervention education.

Madam President, every student deserves a safe, welcoming and affirming environment in school in order to concentrate on their academic and personal growth. And I know you personally worked on this issue as well. They should not have to be preoccupied by the threat of violence or harassment or discrimination, whether it's physical or whether it's verbal, either from other students or, for that matter, from school employees.

So the Dignity for All Students Act would promote civility among students and between students and teachers. It would also help create an atmosphere where learning is paramount and distractions to learning are minimized.

Now, this bill is a preemptive bill. It's not punishing after the fact, it's preventing bad situations -- harassment and discrimination -- from happening in the

schools. And it would go a very long way towards making it possible for students to not be afraid and to really be able to concentrate on their studies and on their academic work.

So if, as I hope we will pass this Dignity for All Students Act -- by stopping harassment and discrimination before it starts, it would be a major step in creating a much better learning environment in all of our schools. And I'm hopeful that my colleagues will vote in the affirmative on this.

Thank you, Madam President.

THE PRESIDENT: All those Senators in favor of the petition out of committee please signify by raising your hands.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Breslin, Coppola, Diaz, Dilan, Duane, Klein, L. Krueger, C. Kruger, Onorato, Oppenheimer, Parker, Paterson, Sabini, Sampson, Savino, Schneiderman, A. Smith, Stachowski, Stavisky and Valesky.

THE PRESIDENT: The petition is not agreed to.

Senator Skelos.

SENATOR SKELOS: Madam President, there being no further business to come before the Senate, I move we stand adjourned until Monday, March 13th, at 3:00 p.m., intervening days being legislative days.

THE PRESIDENT: On motion, the Senate now stands adjourned until Monday, March 13th, 3:00 p.m., intervening days being legislative days.

(Whereupon, at 11:26 a.m., the Senate adjourned.)