NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 17, 2006

11:03 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, May 16, the Senate met pursuant to adjournment. The Journal of Monday, May 15, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT ROBACH: 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 Golden.

SENATOR GOLDEN: I have a motion to amend a bill recalled from the Assembly, Mr. President. I wish to call up Print Number 6872A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Calendar Number 504, by Senator Skelos, Senate Print 6872A, an act to amend the Public Health Law.

SENATOR GOLDEN: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT ROBACH: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT ROBACH: Senator

Golden.

SENATOR GOLDEN: Mr. President, I now offer the following amendments.

ACTING PRESIDENT ROBACH: The amendments are received.

Senator Golden.

SENATOR GOLDEN: A motion to amend a bill on the calendar on third reading, Mr. President.

On page 54, on behalf of Senator Balboni, I offer the following amendments to Calendar Number 863, Senate Print Number 7358, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT ROBACH: The amendments are received. The bill will retain its place on the Third Reading Calendar.

SENATOR GOLDEN: Mr. President, on page number 33, on behalf of Senator Morahan, I offer the following amendments to Calendar Number 443, Senate Print Number 6909B, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT ROBACH: The amendments are received. The bill will retain

its place on Third Reading Calendar.

SENATOR GOLDEN: Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

On page 42, on behalf of Senator Libous, I offer the following amendments to Calendar Number 684, Print Number 1818, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT ROBACH: The amendments are received. The bill will retain its place on Third Reading Calendar.

Senator Skelos.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: On page 30, Senator Fuschillo moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 8025C, and substitute it for the

identical Senate Bill Number 5370C, Third Reading Calendar 374.

On page 30, Senator Fuschillo moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 7349D and substitute it for the identical Senate Bill Number 6805B, Third Reading Calendar 377.

On page 34, Senator Bonacic moves to discharge, from the Committee on Education, Assembly Bill Number 9298 and substitute it for the identical Senate Bill Number 6684, Third Reading Calendar 485.

On page 49, Senator Spano moves to discharge, from the Committee on Transportation, Assembly Bill Number 290B and substitute it for the identical Senate Bill Number 3692B, Third Reading Calendar 807.

And on page 61, Senator Fuschillo moves to discharge, from the Committee on Local Government, Assembly Bill Number 4485C and substitute it for the identical Senate Bill Number 1430C, Third Reading Calendar 966.

ACTING PRESIDENT ROBACH: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, I have a resolution at the desk. If we could have the title read and move for its immediate adoption.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: By Senator Skelos, Legislative Resolution Number 5326, honoring Grace and Ed Levie upon the occasion of their designation as the Guests of Honor at the Temple Israel of Long Beach Sisterhood's Annual Spring Torah Luncheon on May 21, 2006.

ACTING PRESIDENT ROBACH: All those in favor of the resolution say aye.

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Any opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

SENATOR SKELOS: Mr. President, there's a resolution at the desk by Senator Saland. If we could have the title read and move for its immediate adoption.

ACTING PRESIDENT ROBACH: The

Secretary will read.

THE SECRETARY: By Senator Saland, Legislative Resolution Number 5343, congratulating Lana Noone upon the occasion of her designation for special recognition by the Hudson Valley Coalition to Promote Tolerance on May 21, 2006.

ACTING PRESIDENT ROBACH: On the resolution, all those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Any opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

Senator Skelos.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Calendar Number 71, by Senator Morahan, Senate Print 6333A, an act to amend the Penal Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 319, by Senator Spano, Senate Print 2899, an act to amend the Penal Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 372, by Senator Little, Senate Print 2306, an act to amend the General Business Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 374, substituted earlier today by Member of the Assembly Brodsky, Assembly Print Number 8025C, an act to amend the General Business Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 375, by Senator Fuschillo, Senate Print 6723, an act to amend the General Business Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 377, substituted earlier today by Member of the Assembly Pheffer, Assembly Print Number 7349D, an act to amend the General Business Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of

November.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Fuschillo, to explain his vote.

SENATOR FUSCHILLO: Thank you, Mr. President.

Today we take a giant step forward in protecting the identity of individuals from a $50 billion criminal enterprise in this country called identity theft.

I want to thank my colleagues on both sides of the aisle for their support during the two joint hearings; Assemblywoman Audrey Pheffer.

And we're joined today by a young lady from my district named Denise Curro, and her mother, whose story is unbelievable when it comes to identity theft.

In 1998, at the age of 17, she was traveling back from Florida, and her wallet was stolen in North Carolina. It contained her driver's license, her college ID, her Social Security number, and other personal

information.

Since that time, the woman that stole her identity, that assumed her life, assumed her name, assumed her identity, got married under her name in North Carolina. This young lady, who's 25 years old, is a 31-, 32-year-old minority woman who's married. She can't buy a car, she can't even get a cellphone. Everything she has to do she has to cosign with her mother or put it into her mother's name. On her credit report, it says eight different variations of her name, two different dates of birth, a spouse, 15 different addresses, and she's worked all over the place -- which she hasn't.

Most recently, the media has really taken up Denise Curro's story about how she's been a victim of identity theft. And she was on "Montel Williams," and there was a surprise there. She met her husband -- who's really not her husband -- who in 1999 married this woman in North Carolina who took her name. He was in the military. Ironically, he now works for Homeland Security. This poor guy was arrested a few times because somebody

impersonated him. She stole his identity.

And it goes on and on and on. But this is a horror story, the worst of the cases.

So the measure you just passed will give consumers the option throughout New York State to freeze their credit accounts and help Denise Curro to prevent future identity theft.

I'll be voting in the affirmative. Thank you.

ACTING PRESIDENT ROBACH: Thank you, Senator Fuschillo.

Senator Rath, to explain your vote.

SENATOR RATH: Mr. President, Senator Volker is going to proceed; then I will join him.

ACTING PRESIDENT ROBACH: Senator Volker, to explain your vote.

SENATOR VOLKER: Mr. President, I just want to say, first of all -- and commend Senator Fuschillo for this bill -- identity theft is a huge problem. And what he described is one of the horrors of what has been going on in this state and this country.

However, there's one provision in

this bill that has created a major problem for Senator Rath and I in Western New York, and it relates primarily to a company called GEICO in Western New York that is a very substantial employer.

And there's a provision in this bill which, as far as we know, we are the only states other than New Jersey, under this bill, that has extended a credit freeze legislation to the insurance industry.

The problem is that, according to GEICO and several other insurance operations, that the result of this will be that it creates a major problem for them in dealing with their insureds. And while the marketers say that they agree with identity theft provisions, on this one the credit freeze will create an enormous problem for some of the people like GEICO that do a great deal of marketing over the phone and in various ways.

So unfortunately, I have to vote against this bill, as -- Senator Rath and I have to vote against it, because we think it should be amended to adjust that so that the marketers such as GEICO, the insurance people

such as GEICO can operate on a better basis and yet be able to protect the identity of their people, as is intended by the legislation.

I commend Senator Fuschillo for the great body of this legislation, but I request that this piece of this bill be amended so that it doesn't create a problem for some of the direct-market insurers such as GEICO.

I vote no.

ACTING PRESIDENT ROBACH: Senator Volker will be recorded in the negative.

Senator Rath.

SENATOR RATH: Mr. President, I too feel much as Senator Volker does, that the main body of the work that Senator Fuschillo has worked on so diligently for such a long time is critical and should be there. This one provision, however, is one of those unintended consequences for what is intentionally a very good piece of legislation.

The GEICO industry that is located in Western New York has put to work hundreds and hundreds of hard working Western

New Yorkers who have frankly been looking for good-paying jobs so they could stay in Western New York, which is their home. And GEICO intends to expand beyond where they are now, because they have found a workforce that is intelligent, well-educated, hardworking, all of the diligent things that we understand about Western New York.

They are available 365 days a year, 24 hours a day. They do not sell through agents, of course, they sell through the Internet and via telephone. And this unintended consequence of freezing credit for folks that call in is a serious problem for them.

And I too, like Senator Volker, believe there should be an exception in this legislation or there should be some sort of provision made for this sort of marketing in New York State.

Because take a look at identity theft. If someone steals your identity and has your credit card, are they going to call up and try and buy car insurance over the telephone? I think not. I think they'll head

to Best Buy and they'll buy a flat-screen TV or they'll head to Lord & Taylor's or wherever and use your credit card. I do not think they will call up to try to buy car insurance over the Internet with someone else's identity, because they would be afraid, number one, they would get caught.

And so I'm voting no on this bill. I hope that others will be influenced to vote no so that we can see that another piece of a provision can be inserted so that it will not harm the really good companies in Western New York State such as GEICO.

Thank you.

ACTING PRESIDENT ROBACH: Senator Rath will be recorded in the negative.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

It's a pleasure to rise in support of my colleague Senator Fuschillo's bill. I think this bill is much needed. The story of this young woman whose life has been literally turned up on end is one that we should all take to heart, because it could happen to each

and every one of us.

I have, and I'm sure many of you have had our constituents call and ask for our assistance on this particular issue. And it's very, very difficult to resolve their problems.

So with the rise of the Internet and the expansion of its use, the ease of stealing someone's identity is there, we need to take whatever measures we can and whatever steps we can.

And again, I thank Senator Fuschillo for taking the lead on this important bill, and I vote aye.

ACTING PRESIDENT ROBACH: Senator Marcellino will be recorded in the affirmative.

Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

I too rise to commend Senator Fuschillo for bringing this bill out before the house, for forging the agreement with the other house. I had the opportunity, during the development of this legislation, to work

closely with him, but really he is the chairman of the committee, is responsible for making all this happen today.

And the story told by his constituent Denise Curro certainly is one which has to not only strike at your heartstrings but at the same time appall all of us that somebody can have their identity stolen, find themselves married to some unknown individual, and live through the very hell that she's had to endure now for some eight years.

Hopefully this legislation will prevent others from being victimized. This is a means by which people -- men, women, anybody who has concerns about a threat to their credit -- will have the ability basically to put up a firewall to prevent that victimization. And hopefully the technology that will be developed will make this a very, very speedy process within the course of the next two to three years.

But it's a major win for all of the people of the State of New York and certainly anybody who has any reason to have any concern

about whether their credit has been threatened.

Thank you. I will vote in the affirmative, Mr. President.

ACTING PRESIDENT ROBACH: Thank you Senator Saland. You will be recorded in the affirmative.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. I ask permission to explain my vote.

Mr. President, I rise in support of this measure and compliment Senator Fuschillo for helping this body continue its efforts to have our laws keep pace with technology.

This is another in a series of legislation enacted by this house that has been the result or the culmination of the privacy invasion task force established by Senator Bruno a few years ago.

This house led the way in creating the crime of identity theft and ensuring that our prosecutors had tools in New York State to prosecute and lock up those who were perpetrating this crime.

Unfortunately, identity theft is the fastest-growing crime in America still. And that our laws must continue to keep pace with the rapid changes in technology. The technological advances continue to be pursued aggressively by the most clever of criminals. And in order for us to protect our consumers, we need to enact legislation like this as well as additional legislation focusing on issues, as Senator Farley has in the past, with protecting our Social Security numbers, as others in this house have forged ways to protect consumers. Senator Fuschillo again takes this protection to another level.

I also want to thank, parenthetically, the victims who were involved today in helping this particular legislation, as well as a former victim from Auburn, New York, Cynthia Watkins, that kindergarten teacher who helped put a face of identity theft a number of years ago, the first -- a kindergarten teacher who was victimized in a heinous way that took literally years to unravel a crime that she was certainly an innocent victim of. She helped us establish

the crime of identity theft in New York in the first place. And again, to Cynthia Watkins, I wish to thank you.

Senator Fuschillo, my colleagues, thank you for this legislation. It's a great step in the right direction to keep our laws in pace with technology and to prevent crime victims from happening in the first place.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Senator Nozzolio will be recorded in the affirmative.

Senator Farley.

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

I do rise in support of this. You know, this won't solve every problem, but it's certainly a major step forward for this Legislature to address a problem.

It was interesting, at Senator Bruno's press conference, he asked how many have had problems with people taking their credit cards or fraudulent taking of their credit cards. The whole -- the preponderance of the room raised their hands.

I have also had my credit card

numbers taken by a gas station, and every day for a month they took $40 out of my credit card. I had the credit card in my pocket, but they were still using it.

And I want to just congratulate this house, because we were the first in the nation to stop using Social Security numbers as ID numbers. I saw that at the university, where they plastered these Social Security numbers all over the schools. State after state after state has now followed our lead in that area.

This is a problem that really affects all of your voters and consumers. And this is a major step forward -- not one that's going to solve everything. But, Senator Fuschillo, I salute you for doing this and it's something whose time has come.

Thank you, Mr. President. I vote aye.

ACTING PRESIDENT ROBACH: Senator Farley will be recorded in the affirmative.

Senator Klein, to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

I too would like to praise my colleague Senator Fuschillo for working so hard on this important piece of legislation.

I think security freezes is a natural extension of some of the work we've already done in the Legislature.

When I was in the Assembly, I did an investigation which showed that state computers were hacked into 72 times over a four-year period. And when I looked at the private sector, at the time there was not one private company that had their own policy to make sure to notify individuals if they were the victim of identity theft.

That led to the passage of legislation which Senator Fuschillo sponsored, which I sponsored at the time in the State Assembly, which notified individuals when they were the victim of identity theft.

I think the security freeze legislation is a natural extension. If we notify people that are the victim of identity theft, in turn, if they can utilize the system of a security freeze, they can protect themselves against ruining their financial

assets and their financial credit. So I think this is something very, very important.

I do, however, think we need to take things one step further. I think education on this issue is very, very important. While the laws that we pass are very, very effective, I think what we find in many cases, local law enforcement and various agencies don't know what to do if someone comes to them and they're the victim of identity theft.

I guarantee you, in the City of New York, if you walk into your local precinct and say that you're the victim of identity theft, they're going to send you away. They just don't know how to handle it.

So I think just as important as passing, I think, this very, very important legislation is also having a mechanism in place, or more education on this issue to protect all of our constituents against identity theft.

I of course vote yes on this very important legislation.

ACTING PRESIDENT ROBACH: Senator

Klein will be recorded in the affirmative.

Senator DeFrancisco.

SENATOR DeFRANCISCO: You know, there's one more story that hasn't really been mentioned by anyone in explaining their votes -- and I'm going to vote aye -- and that is the way this all began. We learned today that Senator Fuschillo's constituent actually stopped him on the street and said: "You've got to help me."

And each one of us has instances like that where we try to provide constituent service.

Well, Chuck, this is the highest form of constituent service -- not only helping your constituents individually, but preparing a bill and having a bill pass and become law that helps every constituent throughout the state.

I vote aye.

ACTING PRESIDENT ROBACH: Senator DeFrancisco will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: In relation to Calendar Number 377, those recorded in the negative: Senators Coppola, Maziarz, Rath, Stachowski, and Volker.

Ayes, 50. Nays, 5.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 485, substituted earlier today by Member of the Assembly Gunther, Assembly Print Number 9298, an act in relation to transportation contracts.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 573, by Senator DeFrancisco, Senate Print 6873A, an act to amend the Penal Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 643, by Senator Marcellino, Senate Print 661, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number

781, by Senator Little, Senate Print 2847B, an act to amend the Real Property Tax Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 784, by Senator Little, Senate Print 5327, an act to amend the Local Finance Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 807, substituted earlier today by Member of the Assembly Christensen, Assembly Print Number 290B, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 966, substituted earlier today by Member of the Assembly Hooper, Assembly Print Number 4485C, an act to authorize the French Speaking Baptist Church.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 969, by Senator Flanagan, Senate Print 4894, an act to authorize the First Church of Christ, Scientist.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 1036, by Senator Marcellino, Senate Print 670, an act to amend the Penal Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of January.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 1046, by Senator Flanagan, Senate Print 7150, an act to amend the Penal Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Flanagan, to explain your vote.

SENATOR FLANAGAN: Thank you, Mr. President.

Just very briefly, following up listening to my colleague Senator Fuschillo, a lot of times we hear stories and legislation

comes out from things that happen to us either personally or to our constituents.

I have a young gentleman that's worked in my office as an intern who came up with the idea for this legislation as a result of something that happened to a family member of his. And it's a very positive step forward.

But Jordan Henner is someone who worked very diligently on this, it's a good change in the law, and I hope we can get a chapter this year.

Thank you.

ACTING PRESIDENT ROBACH: Senator Flanagan will be recorded in the affirmative.

Senator Duane, to explain your vote.

SENATOR DUANE: Thank you, Mr. President.

I'll be voting for this bill, and it is a very, very good bill. But I would be remiss if I didn't point out that any child who has been victimized by assault clearly would need counseling and mental health services. But if that victim's family was

unable to afford counseling, that would be a terrible tragedy.

But if we pass Timothy's Law in this body, Mr. President, then every family in New York State would have the ability to provide counseling and services for every member of the family that needed it.

So while I'm pleased this bill is passing our house today, I am certain that accompanying this at some point in the very near future we should have Timothy's Law on the floor so that we can provide mental health services to families throughout our state.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Senator Duane will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 55. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 1054, by Senator Trunzo, Senate Print 849, an

act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 1055, by Senator Rath, Senate Print 1518A, an act to amend the Vehicle and Traffic Law and the Penal Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of November.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1055 are

Senators Duane and Sabini.

Ayes, 54. Nays, 2.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 1057, by Senator Saland, Senate Print 2501B, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 1062, by Senator Larkin, Senate Print 6320A, an act to amend the Highway Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Larkin, to explain your vote.

SENATOR LARKIN: Mr. President, this is a significant piece of legislation, because we're referring to a unit that fought in World War II in Europe, was one of the most decorated divisions: the 86th, the Blackhawk.

One of our former colleagues was well decorated in that unit, Assemblyman Larry Bennett.

When you look at the record of this division, which started in World War I until the division was deactivated in December 1946, it had an outstanding record of its accomplishments. In Europe, it led the charge going from the assault on D-Day all the way through to Berchtesgaden.

One of the things that I thought was amazing when I looked, this unit captured 15,000 Germans. It was instrumental in the recovery of a number of Americans that were in prisoner-of-war camps.

The odd thing for a lot of the guys

in the Blackhawk, they thought they were coming back to the United States, but what happened was the ship went around and they were on the high seas going to the Philippines when the bombs were dropped in August of 1945. And many of those troops are alive today, I hope, because had the bomb not dropped, the 86th would have led the fight going into Japan.

ACTING PRESIDENT ROBACH: Senator Larkin, you will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 1063, by Senator Nozzolio, Senate Print 6647, an act to amend the Highway Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Nozzolio, to explain your vote.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President and my colleagues, this measure is a fitting tribute to memorialize those veterans who served in the 96th Infantry Division of the United States Army during World War II.

I rise to thank the "Greatest Generation," whose sacrifice, whose commitment to duty, whose answer to the call preserved democracy and freedom for the world. We owe so much to that generation. And I wish to in a small way, by this legislation, recognize the contributions of a very significant contributor to the success of our nation.

The 96th Infantry Division of the United States Army brought to my attention their sacrifices, by Ted Fafinski, the chairman of the Ontario County Legislature and also the supervisor from the Town of Farmington. That's the area where the highway

will be designated as a lasting memorial to the service of the 96th Division.

I praise the Town of Farmington, Supervisor Fafinski, and the town board for their steadfast support of this legislation, and thank my colleagues for joining in, making this a fitting tribute to recognize those sacrifices.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Senator Nozzolio will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 1064, by Senator Wright, Senate Print 6714, an act to amend the Highway Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Wright, to explain his vote.

SENATOR WRIGHT: Thank you, Mr. President.

I join with my two colleagues who have presented the recognition of two World War II divisions and their service. The Tenth Mountain that we're recognizing today also served in World War II, as part of the liberation of Italy.

But the Tenth Mountain was reactivated and currently has been the most deployed division in the United States Army. New York State is now home to the Tenth Mountain Division, based at Fort Drum in Northern New York.

This division, having been the most deployed, has been to all of the headline-makers in the world in the past decade: Somalia, Haiti, Bosnia, Kosovo, and currently Afghanistan and Iraq.

The members of this division have made the ultimate sacrifice on behalf of the American country, and we have currently lost

62 lives in Iraq and Afghanistan.

So it is fitting that we memorialize the main interstate through the North Country, through Jefferson County, so that literally as these brave men and women return to Fort Drum, they will be acknowledged and recognized forevermore as we memorialize their achievements, their accomplishments, and their sacrifices on behalf of this nation and this state.

Thank you very much, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Wright. You will be recorded in the affirmative.

Senator Stavisky, to explain her vote.

SENATOR STAVISKY: Yes, Mr. President. I want to thank Senator Wright.

A member of my staff, Vincent LeVien's brother is a major in that division, serving in Iraq as we speak.

And I think when they come home -- and I certainly hope they do come home safely -- I think it's fitting that they see

that highway marker to understand that we do appreciate the sacrifices that they have made and unfortunately will continue to make.

Thank you very much.

ACTING PRESIDENT ROBACH: Senator Stavisky will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 1089, by Senator Morahan, Senate Print 1503, an act to amend the Election Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the first of December.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

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

SENATOR SKELOS: Mr. President, is there any further business at the desk?

ACTING PRESIDENT ROBACH: Yes, we have a motion.

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, on behalf of Senator Alesi, on page number 47 I offer the following amendments to Calendar Number 760, Senate Print Number 7001A, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business to come before the Senate, I move we stand adjourned until Monday, May 22nd, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT ROBACH: There being no further business, on motion, the

Senate stands adjourned until Monday, May 22nd, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 11:44 a.m., the Senate adjourned.)