NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 23, 2006

3:06 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

THE PRESIDENT: With us this afternoon to give the invocation is Reverend Jason McGuire, pastor of Ingleside Christian Church in Naples.

REVEREND McGUIRE: Father, You cannot help but walk these halls and see the history and the heritage in this building.

And this of all weeks reminds us of that as we think about the freedoms and the things that we enjoy. And sometimes perhaps it is easy for us to take that for granted when we spend so much time in a building such as this.

Father, we pray that we would never forget that what we enjoy, both as Americans and as New Yorkers, comes from the hand of God. Father, we thank You for that.

And we pray this day, through all the actions and all the affairs that take place here today, that we would remember the words of the prophet of old: "He hath showed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God."

Father, may every heart here be turned towards You and learn to observe Your ways, that we may walk humbly with our God. We pray this in the name of Jesus Christ.

Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, May 22, the Senate met pursuant to adjournment. The Journal of Sunday, May 21, 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.

The Secretary will read.

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

Senate Print 7551, by Senator Fuschillo, an act to amend the Education Law.

THE PRESIDENT: So ordered.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

Amendments to the following bills are offered:

On behalf of Senator Trunzo, on page 49, Calendar Number 954, Senate Print 133;

On behalf of Senator Skelos, on page 50, Calendar Number 976, Senate Print 7086A;

On behalf of Senator Maziarz, on page 56, Calendar Number 1070, Senate Print

7329;

On behalf of Senator Libous, on page 73, Calendar Number 1233, Senate Print 7307;

On behalf of Senator Skelos, on page 75, Calendar Number 1258, Senate Print 7412;

And on behalf of Senator Larkin, on page 56, Calendar Number 1067, Senate Print 7143.

Madam President, I ask that these bills retain their place on the Third Reading Calendar.

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

Senator Bruno.

SENATOR BRUNO: Madam President, are there any substitutions at the desk?

THE PRESIDENT: Yes, there are, Senator.

SENATOR BRUNO: If we can make them at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 19, Senator Nozzolio moves to discharge, from the Committee on Crime Victims, Crime and Correction, Assembly Bill Number 4982A and substitute it for the identical Senate Bill Number 512A, Third Reading Calendar 359.

On page 24, Senator Bonacic moves to discharge, from the Committee on Education, Assembly Bill Number 9295 and substitute it for the identical Senate Bill Number 6632, Third Reading Calendar 484.

On page 36, Senator Maziarz moves to discharge, from the Committee on Labor, Assembly Bill Number 10694A and substitute it for the identical Senate Bill Number 7291, Third Reading Calendar 749.

On page 47, Senator Robach moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9928A and substitute it for the identical Senate Bill Number 7436, Third Reading Calendar 931.

On page 56, Senator Libous moves to discharge, from the Committee on Transportation, Assembly Bill Number 8887A and substitute it for the identical Senate Bill

Number 5862A, Third Reading Calendar 1061.

On page 64, Senator Padavan moves to discharge, from the Committee on Judiciary, Assembly Bill Number 9656 and substitute it for the identical Senate Bill Number 6537, Third Reading Calendar 1145.

And on page 69, Senator Fuschillo moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 8456B and substitute it for the identical Senate Bill Number 5178A, Third Reading Calendar 1193.

THE PRESIDENT: Substitutions ordered.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time adopt the Resolution Calendar, with the exceptions of Resolutions 5349, 5429, 5430, 5484, and 5493.

THE PRESIDENT: All in favor of so adopting the Resolution Calendar please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is so adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe that there is a privileged resolution at the desk that I have sponsored, along with my outstanding colleague Senator Morahan. I would ask that at this time it be read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 5457, memorializing Governor George E. Pataki to proclaim May 23, 2006, as Senate Disabilities Awareness Day in the State of New York.

"WHEREAS, The New York State Senate Committee on the Disabled is sponsoring the 26th Annual Senate Disabilities Awareness Day in Albany, New York; and

"WHEREAS, Members of this Legislative Body have selected residents from their districts who embody the celebrated spirit of perseverance and determination to

'achieve through adversity' to be honored as 2006 Senate Achievers; and

"WHEREAS, In addition, a Technology Fair will be held with exhibitors from across the state displaying their programs; and

"WHEREAS, It is the sense of this Legislative Body that persons with disabilities merit our recognition as they realize the goals of inclusion and equality in our communities and society at large; and

"WHEREAS, It is the intent of this Legislative Body to recognize persons with disabilities, accentuating, in turn, the benefit to New York State of their contributions to our economic, educational and social growth; and

"WHEREAS, Senate Disabilities Awareness Day so clearly labors for the positive and salutary definition of the communities of the State of New York; and

"WHEREAS, Senate Disabilities Awareness Day provides individuals with an opportunity to acknowledge and understand the legislative process; now, therefore, be it

"RESOLVED, That this Legislative

Body pause in its deliberations to memorialize Governor George E. Pataki to proclaim May 23, 2006, as Senate Disabilities Awareness Day in the State of New York, fully confident that such procedure mirrors our shared commitment to the efflorescence of human dignity; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to The Honorable George E. Pataki, Governor of the State of New York, and selected representatives of persons with disabilities."

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you. Thank you, Madam President and colleagues.

Today, as you heard, we're celebrating the New York State Senate's 26th Annual Disabilities Awareness Day. And all of us gather together and respect, recognize and honor people with disabilities who have achieved in their lives things that would be beyond anyone's expectation. It takes a lot of determination, a lot of dedication. It's working through pain, persevering, being upbeat, being optimistic.

All of us think that we have challenges in life. You take a look at some of the people, 22 that we honored here today, kind of as role models. And all of us can learn a great deal from people who have a disability and don't recognize it and live without it and overcome and achieve.

Teena Willard was the lady up here from Wilton, New York, that we honored, from my area. Teena with her mom and dad, Oscar and Teena Willard. Teena got in a car accident at age 20 and became totally disabled.

Rather than just accept life as it was and lament and weep and wail, she went on to Skidmore College, my alma mater, and found that it wasn't accessible to a person in a wheelchair. She advocated and created total access for herself and for other students there at Skidmore, graduating. Went on with her life for the past years, doing the same thing all over this state. Has worked with the disabled, with the handicapped, to make their lives more productive and better.

So, Teena, thank you again for all

the good things that you do. Thank you to all of you that are here who are being recognized. And thanks to my colleagues here in the Senate who spend the time and make the effort to recognize people who truly are an inspiration for each and every one of us.

Thank you, Madam President.

THE PRESIDENT: Senator Morahan.

SENATOR MORAHAN: Thank you, Madam President.

Today, in the Well of the LOB, several people who we thought were disabled gathered together to celebrate the achievements of each other. It was truly an inspiring morning for me to see people who have not only coped with their disability but achieved far beyond what people without a disability have done, including me.

They have taken the disability in actuality, put it to the side. Not only have they coped with their disability, but they went beyond and they achieved and they served as role models. And they have excelled and they have helped others in all walks of life. Some were blind, some were disabled with

limbs, some had other disabilities. But all of them served to me, truly as an inspirational morning, as what can be done when you put your disability aside.

And it makes one feel rather ashamed of oneself when we think of some of the small disabilities that we may deal with from time to time and complain about and have it hold us back in our duties, when we see these young people, middle-aged people, and elderly people make us so proud that we have people like that in the State of New York who, despite a disability, have achieved greatness in their lives, activities in their lives -- things physically that I wouldn't even do or never had the opportunity to do or never had the inclination to do, I was always fearful of doing. But they're kayaking, they're skiing, they're doing all of those great things. And, and their disability is in the back seat, not in the front seat.

So my congratulations not only to those who served as models today, those that came to Albany to be celebrated with their achievements, but to all the people with

disabilities around the State of New York. Thank you, thank you, thank you for serving our state so well in so many ways.

Thank you, Madam President.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I rise to echo the words that have already been said.

You know, it was truly an inspiring afternoon. As each name was read, the accomplishments seemed to be somewhat different, but really the same theme, that people can achieve no matter what the obstacles are if they have it right here, in their hearts, to do it and if they have the courage to do it.

And I just want to congratulate everyone here who was honored today, and especially Agnes McCray, from my district, who has come to lobby here for people with people with disabilities. And she does it with grace, she does it with dignity, and she does it forcefully to make things happen here in Albany that are benefiting everyone.

So thank you, Madam President.

THE PRESIDENT: Senator LaValle.

SENATOR LaVALLE: Thank you, Madam President.

I rise -- first I'd like to thank and commend Senator Morahan for the job and Senator Bruno for the job that they did in bringing to Albany people who are just so awe-inspiring. For those that were there at the ceremony earlier this morning, the stories were just incredible.

And I just wanted to rise to recognize Chris Pendergast, from my district, whose story -- and Chris and I spent a lot of time today, and I must tell you that I have been very, very inspired by this gentleman, who has ALS, and the job that he does in trying to uplift other people, get them through their problems and use his life as an example -- is something that I learned today.

And, Chris, I learned a lot from you. Thank you for your advocacy and the work that you do.

THE PRESIDENT: Senator Golden.

SENATOR GOLDEN: Thank you, Madam President.

I rise today, too, to thank the leader and to thank Senator Tom Morahan for bringing together so many great and wonderful people, so many miracles that were in that Well today.

And they're all over this chamber. I look on my right here and I see the lady here from Troy, and from Senator Bruno's area. And I look up into the balcony, and I see the police officer that lost his leg and was in a coma for five months and is back to work. And I look over in the corner, at the gentleman that I brought up from Brooklyn, Billy Albanese and his father, Vito Albanese.

Billy was an unfortunate child with an unfortunate accident in his teens that led to his being crippled. And today, at 35 years of age, he's living with his father. But before that, he was sent for residential treatment in New Jersey, of which this state paid $200,000 and pays as much as $300,000 to put these kids into residential treatment outside the state of New York.

He was beaten, he was tortured, he was strapped down for hours. Two kids were

killed in the facility that he was housed in, and they were from New York.

He brought it to our attention, and we fought for Billy and we fought for those other 1,400 children that are placed outside the State of New York in facilities around the country.

And lo and behold, this conference here, this Senate passed a law last year that said if we're going to send our children into out-of-state residences, they have to adhere to the rules and regulations of the Department of Health and the other agencies here in the State of New York if we're to give them the $200,000 to $300,000 that we give them for each resident.

This law will help us to bring those kids home right here to this state where they belong, in their communities where they grew up, and give them the opportunities that they deserve.

Because of Billy, because of this State Senate body here today, and the Governor signed into law, we have today Billy's Law. And I want to thank him and his father.

And I want to thank so many other miracles that are here today. Thank you for helping us to see.

Thank you.

THE PRESIDENT: All in favor of the resolution please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, we would like to open up the resolution for cosponsorship.

THE PRESIDENT: The resolution is open for cosponsorship. Any Senator who does not wish to cosponsor the resolution please notify the desk.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe there is another resolution at the desk, by Senator Farley. I would ask that it be read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Farley, Legislative Resolution Number 5430, honoring Matthew Swartz upon the occasion of receiving the Law Enforcement Wings of Law Eagle Award from the Respect for Law Alliance.

"WHEREAS, The State of New York takes great pride in acknowledging the outstanding achievements of its esteemed residents; and

"WHEREAS, Matthew Swartz will receive the Law Enforcement Wings of Law Eagle Award from the Respect for Law Alliance during its annual awards reception and banquet on May 26, 2006; and

"WHEREAS, Matt began his distinguished career in law enforcement with the Montgomery County Sheriff's Department in June of 1993. He served for one year as a corrections officer before taking road patrol duties until July of 1997; and

"WHEREAS, During this time, he also served with police departments in Johnstown, Frankfort, Cooperstown, Fort Plain and

Canojaharie; and

"WHEREAS, He is currently a trooper with the New York State Police; and

"WHEREAS, Matt served with honor in the New York Air National Guard and has been honored with the Air Force Achievement Medal and the New York State Conspicuous Service Award for lifesaving action while deployed in Panama; and

"WHEREAS, He was severely injured in a car accident in November of 2004 and his leg was amputated below the knee; and

"WHEREAS, Matt is a former member of the Fort Plain Volunteer Fire Department and is currently a captain with the Sir William Johnson Fire Department; and

"WHEREAS, He is a dedicated member of the Mid-County Volunteer Ambulance Corps. He is a certified first responder and instructor in first aid and CPR at multiple levels; and

"WHEREAS, Matt also contributes his time and talent to the Boy Scouts of America, Police Tactical Officers Association, American Quarter Horse Association, Palomino Horse

Breeders of America, National Wild Turkey Federation, Amputee Coalition of America, Wounded Warrior Project, New York State Police Ski Team and the New York State Police Firearms Competition Team; and

"WHEREAS, He has also participated in the Adirondack Sprintacular 5K Run, Wounded Warrior Project 2nd Annual Ski and the Northeastern Police Ski Championship; and.

"WHEREAS, Matt was selected to join a group of 'survivors' to address the New York State Police Academy class before their graduation; and

"WHEREAS, He and his loving wife, Alison, reside in Johnstown; and

"WHEREAS, His positive attitude, perseverance, and commitment to law enforcement is in the true spirit of this prestigious award from the Respect for Law Alliance, Incorporated; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Matthew Swartz upon the occasion of receiving the Law Enforcement Wings of Law Eagle Award from the Respect for Law Alliance,

Incorporated, and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Matthew Swartz."

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

This is one of the most remarkable stories that has ever come before this house. Not only is Matthew is a winner of our Disabilities Awareness Award today, my nominee, he is also an inspiration to the entire State of New York, if not the nation.

Yes, he was in a coma for five weeks, with broken bones, a leg amputated below the knee. And when he came out of this, he had one desire: to return to the New York State Police. And my phone rang off the hook from his comrades that urged me to support his returning to duty as a New York State trooper.

And I contacted my former student, our magnificent superintendent Wayne Bennett, who's in the gallery with us today. And Superintendent Bennett up his cause, and Matthew Swartz is back on duty.

Not only is he an athlete, a runner who has participated in the Adirondack Sprint 5K run, which our Majority Leader is also a runner -- he's a skier, an athlete, and a true credit to the New York State Police.

He's going to New York City, along with his superintendent and I would hope his zone commander, if he can get the day off, who's also with us in the gallery, Billy Sprague, William Sprague of Troop G, Zone 3. And Matthew, who prefers to be call Matt, has been an absolute inspiration to everybody in the New York State Police. And with him today also is his lovely wife, Alison, who is in the gallery.

This is a remarkable story and a remarkable young man, who has really been an inspiration to anybody who's received a terrible handicap of losing a limb and overcoming it and becoming even a better person and a better trooper than he was before.

Matthew, we're very proud of you, and congratulations. And I offer this resolution, incidentally, to the entire Senate

for everybody that wishes to go on it.

THE PRESIDENT: All in favor of the resolution please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Anyone who wishes not to cosponsor the resolution please notify the desk.

SENATOR FARLEY: Matthew, please stand up so we can acknowledge you.

(Standing ovation.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, there is a resolution at the desk by Senator Golden. We had previously adopted that resolution. I would ask at this time that its title be read.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Golden, Legislative Resolution Number 4709, memorializing Governor George E. Pataki to proclaim May 2006 as Autism Awareness Month in

the State of New York.

THE PRESIDENT: Senator Golden.

SENATOR GOLDEN: Madam President, I rise again today. Not only is this Disability Awareness Day, but this is also Autism Awareness Month.

And autism is a complex developmental disability that typically appears during the first three years of life. And the earlier that we get to that child, the better outcome for that child and that family.

The result of a neurological disorder that affects the functioning of the brain, autism impacts the normal development of the brain in the areas of social interaction and communication skill. Children and adults with autism typically have difficulties in verbal and nonverbal communications, social interaction, and leisure or play activities.

Autism knows no racial, ethnic or social boundaries and is four times more prevalent in boys than in girls.

Just a few short years ago, it was one in 10,000; today, it's one in 166. It

affects one child in every 166 children. This is of epic proportion.

Shema Kolainu is a new school and is the center of children with autism in Brooklyn, and recognizing today as the official day of celebrating Autism Awareness Month.

Since its inception in 1998, Shema Kolainu has evolved into a multifaceted organization that provides comprehensive services for parents and their preschool and school-aged children with autism.

And when you see these children in their communities and in their settings, and then you see these children inside Shema Kolainu in their school setting, they have little conference rooms where you go behind these glass -- where the kids can't see you. And you see these children learning each and every day as they grow and become positive roles, working in our society, part of their community and back part of their family.

And they work so hard in bringing those kids and giving them the opportunity for a life. They're implemented by caring,

capable and highly trained staff. Shema Kolainu strives to apply the most current research and techniques available. Its goal is to help the students successfully actualize the utmost potential while allowing them to participate in a normal home life and to be part of their community.

The board of directors and the head of Shema Kolainu is here today, and all of their staff.

We applaud you for the great work that you have been able to do in Brooklyn and for the great successes that our children have seen, not only in your school but in the schools across this great state and across this great nation. We have a tremendous amount of work to do.

And there's disparities between the money that you receive for one child and another school receiving a different. That shouldn't be there. Should be one stream of funding for all children so that all children can get the same successes.

So for awareness week, we applaud you, Shema Kolainu. Thank you very, very much

for being here and being part of this.

Thank you.

THE PRESIDENT: The resolution was adopted on April 25, 2006.

Senator Bruno.

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

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 5349, congratulating the Hoosick Falls High School Girls Soccer Team and Coach Tom Husser upon the occasion of capturing the 2005 New York State Class C 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 2005 New York State Class C Champions, the Hoosick Falls High School Girls Soccer Team finished with a record of 22-2-1 and were also the 2005 New York State Scholar Athlete Team, New York State Class C Regional Champions and Section II Class C Champions; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Tom Husser and his team of outstanding assistant coaches, 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

Hoosick Falls High School Girls Soccer Team, from the opening game of the season to participation in the championship, were a sisterhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none; and

"WHEREAS, Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on Hoosick Falls High School; and

"WHEREAS, Coach Tom Husser and his dedicated staff 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 Coach Tom Husser and the outstanding athletes on the Hoosick Falls High School Girls Soccer Team have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative

Body pause in its deliberations to congratulate the Hoosick Falls High School Girls Soccer Team, its members -- Jen McEachron, Brionna Whitman, Heidi Reece, Kaila Matatt, Paula Brown, Angelica Martinez, Kerry Gleason, Shauna Nolan, Meghan Pitt, Melissa Martelle, Sarah Delurey, Sayde Whitman, Alex Luke, Annie Mullen, Laura Bornt, Heather Reece, Carly Pine, Shawnee Webster, Jackie Kimball, and Becca Laporte -- Manager Greg Fox, Assistant Coach Leo Surdam, and Coach Tom Husser on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Hoosick Falls High School Girls Soccer Team and to Coach Tom Husser."

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President and colleagues.

We have the Class C soccer varsity champions of New York State here with us in the chamber. They happen to be from Hoosick Falls, my district. Only the second time in the history of the school do we have a state

championship team -- both girls, which is truly an outstanding accomplishment.

Tom Husser, you heard, as the coach, his assistant Leo Surdam is here, and Greg Fox. We really all want to just respect and honor you on a great season, outstanding accomplishment.

And Jen, Jen McEachron -- you up there? Good for you -- posted the second shutout. And Heidi Reece provided the game's only goal. Where is Heidi? That is good going.

The team scored 102 goals, gave up only 14 in 25 games. But not only are they accomplished athletically, but scholastically. They are scholars, all of them, which is really an accomplishment.

So congratulations. Three of the players are All State players. So you make me proud that you're in my district.

You make all of my colleagues proud that you join us here with this resolution. Our Lieutenant Governor from Rensselaer County I know joins me and will speak well enough for herself in welcoming you, congratulating you.

Your experience here as champions holds you not just in good stead with what you're doing now, but as you go forward in life with your team spirit, working together, developing the skills that you develop about life in general will keep you winners for the rest of your life.

Thanks for joining us. Congratulations, and God bless you all.

THE PRESIDENT: Thank you, Senator.

Does any other member wish to be heard?

I'd be remiss if I didn't congratulate you. As a lifelong resident of Rensselaer County, I see some familiar faces up there.

You know, when I was your age, young women were not playing organized sports. To see what you're doing is so wonderful for me to see. I know that the qualities that have made you successful in sports are going to go a long way along with the road with you to make you successful every step of the way.

On the resolution, all those in

favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Congratulations. Let's stand so that we can acknowledge you.

(Applause.)

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT MORAHAN: Senator Bruno.

SENATOR BRUNO: I believe there's a resolution at the desk by Senator Libous. I would ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: By Senator Libous, Legislative Resolution Number 5429, honoring three Newark Valley High School students for their heroic and lifesaving efforts on March 6, 2006.

"WHEREAS, It is the sense of this Legislative Body to recognize and commend the

caring concern and heroic acts of those young people from the State of New York who take prompt and appropriate action in emergency situations; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to honor Jackie Celiberti, Julie Corson and Samantha Lindquist for their heroic and lifesaving efforts on March 6, 2006; and

"WHEREAS, A 15-year-old student, Julie Corson sprang into action when she saw that her school bus driver lost consciousness and the bus began to veer off the road. Sitting behind the driver, she leaped forward and pushed his foot off of the gas pedal before using her hands to push the brake pedal down, averting disaster for the other students on board the bus; and

"WHEREAS, At the same time, 16-year-old students Jackie Celiberti and Samantha Lindquist rushed to help the bus driver, holding him while trying to keep him calm as he slipped in and out of

consciousness; and

"WHEREAS, Exemplifying the best potential which is inherent in our most precious resource, our youth, Jackie Celiberti, Julie Corson and Samantha Lindquist have brought enduring honor to their families and community with their quick-thinking reaction during an emergency situation; and

"WHEREAS, Through their spontaneous and heroic actions, Jackie Celiberti, Julie Corson and Samantha Lindquist demonstrated their character and compassion for the welfare of others, personifying the collective concern of ordinary citizens across the community of the State of New York who voluntarily respond when others are in need of help; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Jackie Celiberti, Julie Corson and Samantha Lindquist for their heroic and lifesaving efforts on March 6, 2006, and commend them for their consummate courage and bravery which serves as an inspiration to us all; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to Jackie Celiberti, Julie Corson and Samantha Lindquist."

ACTING PRESIDENT MORAHAN: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President and my colleagues. It is indeed an honor for me to rise and honor these three outstanding young ladies.

They were on a school bus with 20 of their colleagues when the school bus driver slumped in his seat, the school bus went off the road, went toward a mailbox, went over a mailbox and was headed toward a building.

Julie took first action, went to the front of the bus, pulled the driver's leg off the accelerator, and then, with her hands, literally pushed the brake to slow and eventually stop the bus.

Her colleagues, Jackie and Samantha, at the same time had rushed to the aid of the school bus driver, Mr. Ken Card, and tried to make him comfortable. But at that point in time it was evident to them that

he was suffering from a severe heart attack.

There were 20 other young people on the bus. Those 20 kids were upset, some of them were screaming and crying, and these three young heroes took control. After stopping the bus and trying to help the driver, they calmed down the rest of the kids and then radioed the station, asked for an ambulance to come to their aid and another bus to come out.

Mr. President, to sit and speak to these three young ladies, these three young heroes, and have them tell you the story is quite dramatic and traumatic, as they will show tears in their eyes because they were very fond of Mr. Card, who passed away, who was their bus driver. As they shared with me, he was a friendly man, he was a generous man, he was someone they enjoyed seeing every morning. And it was certainly difficult for them to endure this. But they saved the lives of 20 other young people on that bus.

And the other thing they shared with me when I asked them "What made you jump to action so quickly and handle this

situation?" they said, "We were trained. Twice a year, we are trained by the driver and others how to react in a situation." And these three young ladies, these three heroes responded as they were supposed to.

It is indeed an honor for me to stand before you today and give them special recognition, to salute them. They are here with their parents. And I want to recognize Julie is here with her parents, Joyce and Donald. Jackie is here with her parents, Mike and Cathy. Samantha is here with her mom, Stephanie; her grandmother, Barbara.

We also have Meg Grant, who is the Newark Valley superintendent, and Ron Finch, the assistant superintendent, and Nelissa Jenson, who is the transportation supervisor.

My colleagues, please join me in saluting these three young heroes.

(Standing ovation.)

SENATOR SALAND: Mr. President.

ACTING PRESIDENT MORAHAN: Senator Saland.

SENATOR SALAND: May I be heard on the resolution as well, please.

ACTING PRESIDENT MORAHAN: You certainly can be heard.

SENATOR SALAND: I cannot profess to know these three young ladies nor their families and those who have joined with them here, but I would like to commend Senator Libous for bringing their acts of courage and bravery to our attention.

As the chairman of the Senate Education Committee, far too often we learn of incidents, however representative or unrepresentative they may be, of misdeeds of young people. In this case, this is just a sterling example of not merely bravery but of character, of concern, of a desire not merely to take care of oneself but a desire to help those who are classmates, friends and those who you share your lives with, in an extraordinary act of heroism, cool and calm, apparently, under the greatest of pressure.

So I'd like to share in the pride that this body has in commending you today and again thank Senator Libous for bringing this not only to our attention but to the attention of the greater public at large.

Thank you. Congratulations to you. May God bless you.

ACTING PRESIDENT MORAHAN: Thank you, Senator Saland.

We welcome the young ladies here to the chamber. We commend you for your fast thinking, your quick reactions, and for saving the children and protecting the lives of your colleagues. Thank you very much.

Senator Skelos.

SENATOR SKELOS: Would you open the resolution for cosponsorship, please.

ACTING PRESIDENT MORAHAN: The resolution will be open for sponsorship. All those who care not to sponsor the resolution, please notify the desk.

On the resolution, all in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Nay?

(No response.)

ACTING PRESIDENT MORAHAN: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President,

there's a resolution at the desk, 5484, by Senator Balboni. If we could have the title read, move for its immediate adoption, and open it up for cosponsorship.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: By Senator Balboni, Legislative Resolution Number 5484, memorializing Governor George E. Pataki to declare May 21-27, 2006, as Hurricane Preparedness and Awareness Week in the State of New York.

ACTING PRESIDENT MORAHAN: Senator Balboni.

SENATOR BALBONI: Mr. President, very briefly on this resolution.

Senator Libous talked about these fine individuals being able to respond because they were prepared. That's the message in this resolution.

This is the first hurricane season after Katrina. Nationally, people focused on this. The Red Cross just released a report indicating that New Yorkers are less prepared than they think they are.

And it's just an opportunity to say to everybody, you know what, take care of your families. Make sure you've got the right stuff in your house, make sure you know how to evacuate if you need to. And let's pay attention when the warnings come across. And we can all do something to protect ourselves all throughout the state.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator Balboni.

On the resolution, all those in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Nay?

(No response.)

ACTING PRESIDENT MORAHAN: The resolution is adopted.

The resolution is open for cosponsorship. Any member who does not wish to cosponsor the resolution please notify the desk.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a resolution at the desk by Senator

Sampson, 5493. If we could have the title read, move for its immediate adoption, and open it up for cosponsorship.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: By Senator Sampson, Legislative Resolution Number 5493, memorializing Governor George E. Pataki to proclaim June 5, 2006, as HIV and AIDS Remembrance Day in the State of New York.

ACTING PRESIDENT MORAHAN: On the resolution, all in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The resolution is adopted.

And the resolution will be at the desk, open for sponsorship. Those who do not care to sponsor it will notify the desk.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MORAHAN: Senator Skelos.

SENATOR SKELOS: Would you please

recognize Senator Parker. He'd like to comment on Resolution 5478, which was adopted.

ACTING PRESIDENT MORAHAN: Senator Parker.

SENATOR PARKER: I have a resolution at the desk. And this resolution memorializes the life of Katherine Dunham, who died at the age of 96 this past Sunday.

Katherine Dunham was a legendary dancer, choreographer, teacher and an anthropologist. Her work is a pioneering work on black history and black culture. She is somebody who has, when I say expanded the breadth and the scope and the depth of particularly the black aesthetic form in the United States and around the world, that's really just to scratch at the surface of what she did.

She ran inner-city cultural programs in Haiti, spent a great deal of time in Haiti. While she was there, she became what's called a "mambo," commonly known more as a priestess of voodoo, both in a way of kind of understanding the culture of both not just the world, the African world, not just in

Africa but in the Caribbean and in the United States.

From 1930 to 1960, she toured 57 countries in over six continents, performing dances, giving demonstrations and really just exposing the world to black history and black culture, sometimes for the very first time, in a real artistic way.

And she battled, as you can imagine, in the 1930s, 1940s, 1950s, 1960s, battled racial discrimination around the country, from the Deep South to Broadway, many times refusing to perform in the South in racially discriminated places, theaters and other venues.

And on Broadway, she really brought some things to Broadway that had never been seen before, most specifically Verdi's "Aida," she did an interpretation of that that was very -- described by the New York Times as "lusty," some of us may just call it passionate. But it was really a breakthrough in terms of bringing to mainstream audiences around the world black history and black culture.

What she said is that -- and this is kind of a famous quote for her -- that "We weren't pushing black is beautiful, we were just showing it." And that idea of showing that the history, the culture, the art and the aesthetic expression of people of African descent was in fact beautiful.

She made headlines in 1992 by going on a 47-day hunger strike protesting the U.S. policy on repatriating Haitian refugees. And in fact she had spoken about, at that point in her life, being embarrassed to be a United States citizen because of the way we were treating these refugees.

She was honored by many. She received over ten honorary doctorates. She received the President's Medal of Honor of Arts. She received the Albert Schweitzer prize at the Kennedy Center Honors. She was a member of the French Legion of Honor as well as received many honors from both Brazil and Haiti.

And I just wanted to take an opportunity to talk about her, because her contribution really meant a lot and people

like myself wouldn't have an opportunity to stand on the floor of the New York State Senate and talk to you today if it wasn't for pioneers like Katherine Dunham.

She also developed her own technique, called the "Dunham Technique," that's now being taught around the world, not just in New York but in Brazil, in Cuba, in Haiti, in Africa.

And her contributions to not just the world of dance and the world of performance, not to just black history and Caribbean history, but to American culture and American history should not be forgotten.

And I'd like to have this resolution opened up for cosponsorship by all the members. Thank you very much.

ACTING PRESIDENT MORAHAN: Thank you, Senator Parker.

The resolution will be opened up to all members for cosponsorship. Those who do not want to cosponsor will notify the desk.

The resolution was previously adopted.

Senator Skelos.

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

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 359, substituted earlier today by Member of the Assembly Aubry, Assembly Print Number 4982A, an act to amend the Correction Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 443, by Senator Morahan, Senate Print 6909C, an act to amend the General Business Law.

ACTING PRESIDENT MORAHAN: Read

the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 484, substituted earlier today by Member of the Assembly Gunther, Assembly Print Number 9295, an act in relation to transportation contracts.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 539, by Senator Larkin, Senate Print 4018, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 637, by Senator Seward, Senate Print 123, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 90th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 637 are Senators Duane, L. Krueger, and Montgomery.

Ayes, 58. Nays, 3.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 698, by Senator Morahan, Senate Print 3091B, an act to amend the Banking Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The

bill is passed.

THE SECRETARY: Calendar Number 749, substituted earlier today by Member of the Assembly John, Assembly Print Number 10694A, an act to amend the Labor Law.

ACTING PRESIDENT MORAHAN: There is a local fiscal impact note at the desk.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 755, by Senator Flanagan, Senate Print 2825A, an act to amend the Executive Law and others.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 7. This act shall take effect January 1, 2007.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 803, by Senator Marchi, Senate Print 1945, an act to amend the Public Authorities Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 812, by Senator Libous, Senate Print 6425A, an

act to amend the Highway Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 822, by Senator Robach, Senate Print 1906 --

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

ACTING PRESIDENT MORAHAN: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 846, by Senator Little, Senate Print 1183B, an act to amend Chapter 30 of the Laws of 1985, relating to persons who may practice.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 928, by Senator Robach, Senate Print 7387, an act to amend the Civil Service Law.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 90th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 931, substituted earlier today by Member of the Assembly Rivera, Assembly Print Number 9928A, an act to amend the Civil Service Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 933, by Senator Golden, Senate Print 7442, an act to allow members of the Board of Education.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 974, by Senator Volker, Senate Print 6944A, an act to legalize, validate, ratify and confirm.

ACTING PRESIDENT MORAHAN: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 982, by Senator Balboni, Senate Print 7266, an

act to authorize.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59. Nays, 2. Senators Bonacic and Rath recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 983, by Senator Little, Senate Print 7274A, an act to amend the Town Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 985, by Senator Fuschillo, Senate Print 7555, an act authorizing the assessor of the village of Freeport.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59. Nays, 2. Senators Bonacic and Rath recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1002, by Senator Marcellino, Senate Print

6737A, an act to amend Chapter 672 of the Laws of 1993.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1015, by Senator Seward, Senate Print 7602, an act to amend the Insurance Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1061, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8887A, an act to amend Chapter 824 of the Laws of 1968.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1076, by Senator Little, Senate Print 7750, an act to amend the Civil Service Law.

ACTING PRESIDENT MORAHAN: Read

the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1080, by Senator Spano, Senate Print 7800, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1099, by Senator Saland, Senate Print 6871, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1108, by Senator Saland, Senate Print 5644A, an act to amend Chapter 524 of the Laws of 1987.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1113, by Senator Farley, Senate Print 7385A, an act to authorize the City of Amsterdam.

ACTING PRESIDENT MORAHAN: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number

1123, by Senator Golden, Senate Print 1821, an act to amend the Education Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1125, by Senator Marcellino, Senate Print 3114A, an act to amend the Education Law and others.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 16. This act shall take effect two years after the date on which it shall have become a law.

ACTING PRESIDENT MORAHAN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1128, by Senator Seward, Senate Print 4971, an act to amend the Education Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1129, by Senator Young, Senate Print 5509, an

act to amend the Education Law.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Senator Montgomery, to explain your vote.

SENATOR MONTGOMERY: Yes, thank you, Mr. President.

I am not going to continue to oppose this legislation. However, I would hope that there is a very, very specific requirement that SED notify people who are renewing their licenses, or seeking to receive a license, that this information will be given over to HESC, Higher Education Services Corporation.

And I might add that this is obviously going to be a growing problem, because people are graduating from college with very, very extensive debt. And to a large extent I know that in New York State

some of this debt is secured by HESC. And while we do want to collect it, we certainly don't want to penalize people for trying to be able to work to pay it back.

So with that, I'm going to support this legislation.

ACTING PRESIDENT MORAHAN: Thank you, Senator Montgomery. You will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1138, by Senator Larkin, Senate Print 3577, an act to amend the Judiciary Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN:

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1145, substituted earlier today by Member of the Assembly Lopez, Assembly Print Number 9656, an act to amend the Real Property Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1150, by Senator Marcellino, Senate Print 6738, an act to amend the Tax Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: You're welcome.

SENATOR DUANE: I'm going to vote for this legislation, which states the provisions of the Structured Settlement Protection Act shall apply to assignees of lottery prize winners who assign winnings for lump sum payments.

I can't help, however, to point out that the lottery can often be abused to the point of someone developing an addiction to gambling. And gambling addiction in general in New York State is a very serious issue, and it has and continues to ruin countless New York families.

Obviously, if a New Yorker doesn't have insurance covering mental health, they can't get the counseling needed nor can the families of gambling addicts get the help that they need.

So here we are, the last week in May, and still no Timothy's Law. And so those who are addicted to gambling and can't pay for services to help them with that, or their families can't pay for their services, fall deeper into the morass that gambling can cause.

So it's wrong that we haven't passed Timothy's Law, because then we would be able to make sure that all families indeed all people in the State of New York will the mental health services that they need.

So I'll be voting yes on this, Mr. President, but I hope that this month doesn't end without our passing Timothy's Law.

Thank you.

ACTING PRESIDENT MORAHAN: Thank you, Senator Duane. You will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60. Nays, 1. Senator Padavan recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1151, by Senator Larkin, Senate Print 7418, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1153, by Senator Maziarz, Senate Print 7705, an act to amend the General Municipal Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

SENATOR MONTGOMERY: Mr. President.

ACTING PRESIDENT MORAHAN: Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President, to explain my vote.

I'm not opposing this legislation. However, I would like to say that we are now establishing a new type of bingo game called the bonus ball bingo. And we already allow for the game of bingo to be played across this state, in every locality, and people use that very often to raise funds, including some churches and not-for-profits and et cetera.

And just this past week -- last week, I believe, here in Albany or in Troy or Schenectady, Father Young -- who comes and opens our sessions many, many days when we are here, with a prayer -- his program was a bingo game, that consisted of a bingo game, where he

was able to raise a little funding to support the programs that he runs -- and many of us in this room, if I dare not say all of us, support the work that he does. Certainly otherwise we wouldn't allow him to come and pray for us very often in here. His program was shut down, his bingo game. And the only reason was that he had some people volunteering to help run the bingo game who were formerly incarcerated.

Now, obviously if that is in law, I think it is important for us to review that, because we should not be, while expanding this bingo program that we believe in to the point where we are going to make it bigger, expand it and make a new one, that we're shutting down a source of income for one of the very important not-for-profit organizations that's run by Father Peter Young.

So, Mr. President, I'm not opposing this bill, but I am speaking out for the injustice that has been done to Father Peter Young's program. And I hope that my colleagues in this chamber will be able to correct that before we end our session.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator Montgomery. You will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 2. Senators Duane and Padavan recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1193, substituted earlier today by Member of the Assembly Pheffer, Assembly Print Number 8456B, an act to amend the General Business Law.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 1215, by Senator M. Smith, Senate Print 4952B, an act to amend the Penal Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

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

SENATOR SKELOS: Thank you, Mr. President. I believe we're finished with the calendar.

And is there any further business at the desk?

ACTING PRESIDENT MORAHAN: Yes, sir.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Alesi, on page number 59 I offer the following amendments to Calendar Number 1097, Senate Print Number 5000, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR FUSCHILLO: Mr. President.

ACTING PRESIDENT MORAHAN: Yes, Senator Fuschillo.

SENATOR FUSCHILLO: On behalf of Senator Skelos, on page number 50 I offer the following amendments to Calendar Number 978, Senate Print Number 7180A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MORAHAN: The

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

SENATOR FUSCHILLO: Mr. President.

ACTING PRESIDENT MORAHAN: Senator Fuschillo.

SENATOR FUSCHILLO: On behalf of Senator Skelos, on page number 34 I offer the following amendments to Calendar Number 729, Senate Print Number 7171A, and ask that said bill retain its place on Third Reading Calendar.

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

That's it, Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

There being no further business to come before the Senate, I move we stand adjourned until Wednesday, May 24th, at 11:00 a.m.

ACTING PRESIDENT MORAHAN: On

motion, the Senate stands adjourned until May 24th, 11:00 a.m.

(Whereupon, at 4:18 p.m., the Senate adjourned.)