NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 20, 2006

1:08 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 Pastor Brian K. Norman, from Adirondack Baptist Church in Gloversville, New York.

PASTOR NORMAN: Our Heavenly Father, we thank You for the privilege that You've given us today to come here and to be representatives of this great State of New York.

Father, we thank You for the privilege of understanding the biblical values that we have in Your word so that we might be able to govern this great state.

Father, I pray for this Senate. Lord, I pray that You would give much wisdom, give discernment. Father, That You would give understanding concerning the laws of our land

and, Father, concerning those things which will make this state a better state.

And Father, we will thank You and praise You for it. Thank You again for this time. In Jesus' name we pray.

Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, June 19, the Senate met pursuant to adjournment. The Journal of Sunday, June 18, 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 Bruno, from the Committee on Rules, reports the following bills:

Senate Print 44C, by Senator

DeFrancisco, an act to amend the Real Property Law;

545, by Senator Padavan, an act to amend the Penal Law;

784B, by Senator Fuschillo, an act to amend the Insurance Law;

2181A, by Senator Padavan, an act to amend the General Business Law;

2319, by Senator Meier, an act to amend the Tax Law;

3484A, by Senator Padavan, an act to amend the Administrative Code of the City of New York;

3912A, by Senator Volker, an act to amend the Civil Practice Law and Rules;

3978A, by Senator Alesi, an act to amend the Civil Practice Law and Rules;

4744A, by Senator Farley, an act to amend the Banking Law;

5041A, by Senator Leibell, an act to amend the Criminal Procedure Law;

5517C, by Senator Johnson, an act to amend the Vehicle and Traffic Law;

5656E, by Senator Spano, an act to amend the Public Health Law;

5675A, by Senator Wright, an act to amend the Energy Law;

5908B, by Senator Rath, an act to amend the Public Health Law;

5934A, by Senator Montgomery, an act to amend the General Business Law;

6709, by Senator DeFrancisco, an act to amend the Vehicle and Traffic Law;

6919, by Senator Alesi, an act in relation to redistributing;

7190, by Senator Padavan, an act to amend the Real Property Tax Law;

7199A, by Senator Wright, an act to amend the General Municipal Law;

7230A, by Senator Skelos, an act to amend the Public Authorities Law;

7381B, by Senator Skelos, an act to amend the Education Law;

7444B, by Senator Oppenheimer, an act to amend Chapter 654 of the Laws of 1927;

7491A, by Senator Hannon, an act to authorize;

7501, by Senator Saland, an act to amend the Education Law;

7559A, by Senator Young, an act to

amend the Agriculture and Markets Law;

7636A, by Senator Winner, an act to amend the Environmental Conservation Law;

7660A, by Senator Meier, an act to amend the Social Services Law;

7666, by Senator Maltese, an act to amend the Public Authorities Law;

7674A, by Senator LaValle, an act to authorize;

7818C, by Senator Spano, an act to amend the Education Law;

7889, by Senator Meier, an act to amend the Penal Law and others;

7893, by Senator Balboni, an act to amend the Penal Law;

7942B, by Senator Wright, an act in relation to authorizing;

7968A, by Senator Meier, an act to amend the Highway Law;

7970, by Senator Marchi, an act to amend the Real Property Tax Law;

7983, by Senator Volker, an act to amend the Alcoholic Beverage Control Law;

8005A, by Senator Bonacic, an act to amend the Private Housing Finance Law;

8083, by Senator Johnson, an act to amend the Tax Law;

8085, by Senator Johnson, an act to amend the Tax Law;

8124, by Senator Fuschillo, an act to amend the General Business Law;

8144, by Senator Leibell, an act to amend the Public Authorities Law;

8145, by Senator Hannon, an act to amend the New York City Medical Care Facilities Finance Agency Act;

8164, by Senator Little, an act to legalize;

8171A, by Senator Saland, an act to amend the Education Law;

8177A, by the Senate Committee on Rules, an act to amend Chapter 509 of the Laws of 2003;

8182A, by Senator Marcellino, an act to amend the Environmental Conservation Law;

8190, by Senator Libous, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

8196, by Senator Flanagan, an act

to amend the State Administrative Procedure Act;

8205, by Senator Bruno, an act to amend the Highway Law;

8231, by Senator Johnson, an act to amend the Civil Practice Law and Rules;

8246, by Senator Bruno, an act authorizing;

And Senate Print 8323, by Senator Hannon, an act to amend the Public Authorities Law.

All bills ordered direct to third reading.

THE PRESIDENT: Senator Fuschillo.

SENATOR FUSCHILLO: Move to accept the report of the Rules Committee.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The report is accepted.

The Secretary will read.

THE SECRETARY: Senator Johnson, from the Committee on Finance, reports the following bills:

Senate Print 8295, by Senator Spano, an act to amend the Civil Service Law;

Senate Print 8296, by Senator DeFrancisco, an act relating to an impasse;

And Senate Print 8381, by Senator Padavan, an act to amend the Education Law.

All bills ordered direct to third reading.

THE PRESIDENT: All bills ordered direct to third reading.

The Secretary will continue to read.

THE SECRETARY: Senator Johnson, from the Committee on Finance, reports the following nominations.

As a member of the Board of Trustees of the City University of New York, Benno C. Schmidt, Jr., of Riverdale.

As a member of the Adirondack Park Agency, Cecil Wray, Esquire, of New York City.

As a member of the Metropolitan Transportation Authority, Andrew Saul, of

Katonah.

As director of the State of New York Mortgage Agency, Joseph Strasburg, Esquire, of Staten Island.

As a member of the New York Job Development Authority, Nicholas Yunis, of Elmira.

As a member of the New York State Energy Research and Development Authority, George Akel, Jr., of Binghamton.

As a member of the Ogdensburg Bridge and Port Authority, Mary M. Farley, Esquire, of Gouverneur.

As a member of the Port Authority of New York and New Jersey, Charles A. Gargano, of New York City.

As member of the Port of Oswego Authority, Robert B. Burtch, Jr., of Oswego.

As trustees of the Power Authority of the State of New York, Frank S. McCullough, Jr., Esquire, of Rye; Joseph J. Seymour, of Bethlehem Center; and Michael J. Townsend, Esquire, of Fairport.

As a member of the Small Business Advisory Board, Steven J. Sunshine, of

Williamsville.

As a member of the Board of Directors of the Great Lakes Protection Fund, Matthew J. Millea, of Clifton Park.

As a public member of the State Banking Board, James E. Higgins, of New York City.

As a member of the State Board for Historic Preservation, Christina R. Davis, of New York City.

As a member of the Board of Trustees of Cornell University, Edward V.K. Cunningham, Jr., of LaGrangeville.

As a member of the Albany Pine Bush Preserve Commission, Aaron Mair, of Rotterdam.

As members of the Empire State Plaza Art Commission, Christine M. Benedict, of Albany; Jonathan Dale Farkas, of New York City; and Hilary Dunne Ferrone, of Spencertown.

As a member of the Central New York State Park, Recreation and Historic Preservation Commission, Fred L. Reuter, of Ohio.

As a member of the Finger Lakes

State Park, Recreation and Historic Preservation Commission, Carol C. Reeves, of Ithaca.

As a member of the Genesee State Park, Recreation and Historic Preservation Commission, Peter G. Humphrey, of Warsaw.

As a member of the Long Island State Park, Recreation and Historic Preservation Commission, Anthony J. Bonomo, Esquire, of Manhasset.

As a member of the Niagara Frontier State Park, Recreation and Historic Preservation Commission, Harvey N. Albond, of Niagara Falls.

As a member of the Taconic State Park, Recreation and Historic Preservation Commission, Arthur L. Gellert, of Poughkeepsie.

As members of the Fire Fighting and Code Enforcement Personnel Standards and Education Commission, Peter A. Caruso, of Utica; Bruce E. Heberer, of Johnstown; and Leon Szczerbinski, of North Tonawanda.

As a member of the Interstate Environmental Commission, Gerard Kassar, of

Brooklyn.

As a member of the State Athletic Commission, Marc B. Cornstein, of New York City.

As members of the State Commission on Quality of Care and Advocacy for Persons with Disabilities, Bruce G. Blower, of Huntington Station; Gary O'Brien, of Latham; and Patricia M. Okoniewski, of Fulton.

As a member of the Veterans' Affairs Commission, Terry J. Bresina, of Norwich.

As members of the Medical Advisory Committee, Steven E. Barnes, of Silver Creek, and Russell Nicholas Ake Cecil, M.D., of Amsterdam.

As members of the Board of Directors of the New York Convention Center Operating Corporation, David M. Schwartz, of Brooklyn, and James Whelan, of Bellerose.

As a member of the Board of Trustees of the New York Higher Education Services Corporation, Angela Van Dekker, of Hastings-on-Hudson.

As director of the New York State

Environmental Facilities Corporation, Lawrence F. DiGiovanna, Esquire, of Breezy Point.

As members of the Advisory Council on Agriculture, Leslie Cole, Jr., of Livonia; Joy D. Crist, of Walden; Daniel W. Sievert, of Burt; and James L. Vincent, of Byron.

As members of the State Council on the Arts, Betty Levin, of New York City; Linda E. Mondello, of Oyster Bay; and Dennis M. Penman, of Amherst.

As members of the Continuing Care Retirement Community Council, Robert M. Chur, of Clarence, and Edward C. Weeks, of Buffalo.

As a member of the Mental Health Services Council, Kathleen Coyne Plum, Ph.D., of Mumford.

As a member of the Minority Health Council, Richard G. Younge, M.D., of White Plains.

As members of the Passenger Tramway Advisory Council, Gerald R. Fielding, of Monticello; Daniel Frank, of Windham; and James R. Ruhl, Ph.D., of Ballston Lake.

As members of the Public Health Council, Robert W. Hurlbut, of Rochester, and

William F. Streck, M.D., of Cooperstown.

As members of the State Hospital Review and Planning Council, Frederick B. Cohen, Esquire, of Buffalo; Ingrid Jiminez, of Flushing; James X. Kennedy, of Geneva; Joyce A. Salimeno, of Rock Hill; and Lucille K. Sheedy, of Lockport.

As a member of the State Insurance Fund, Charles L. Loiodice, of Woodbury.

As a member of the Board of Visitors of the New York State Home for Veterans and their Dependents at Batavia, Linda M. Janelli, of Amherst.

As members of the Board of Visitors of the Broome Developmental Disabilities Services Office, Kathryn Paddock, of Binghamton, and Luella Rogers, of Walton.

As a member of the Board of Visitors of the Buffalo Psychiatric Center, Lisa Michaelsen, of Lockport.

As members of the Board of Visitors of the Capital District Developmental Disabilities Services Office, Cheryl A. Walther, of Hudson Falls, and Patricia K. Wright, of Waterford.

As a member of the Board of Visitors of the Creedmoor Psychiatric Center, Judy Grubin, of Jackson Heights.

As members of the Board of Visitors of the Finger Lakes Developmental Disabilities Services Office, Mary Hope Derby, of Geneseo, and Quentin J. Masolotte, of Dansville.

As a member of the Board of Visitors of the Metro New York Developmental Disabilities Services Office, Josephine Maldonado, of the Bronx.

As a member of the Board of Visitors of the New York State Home for Veterans and their Dependents at Montrose, Mary Edith Meeks, of Beacon.

As a member of the Board of Visitors of the New York State Home for Veterans and Their Dependents at Oxford, Mary Smack, of Binghamton.

As a member of the Board of Visitors of the Rockland Psychiatric Center, Nunzio Pomara, M.D., of Rye Brook.

As a member of the Board of Visitors of the Rockland Children's Psychiatric Center, Eugene P. McMahon, Ed.D.,

of Pearl River.

As a member of the Board of Visitors of the St. Lawrence Psychiatric Center, Bonnie Barkley, of Ogdensburg.

As members of the Board of Visitors of the Sunmount Developmental Disabilities Services Office, William R. Cuthbert, of Potsdam; Dawn P. Lavigne, of Massena; and Carolyn Smith, of Messina.

As members of the Board of Visitors of the Taconic Developmental Disabilities Services Office, Joan E. Klink, of Fishkill; Ronald S. Lehrer, of Poughkeepsie; and Ralph Vinichiarello, of Wassaic.

As a member of the Board of Visitors of the Western New York Developmental Disabilities Services Office, Penny F. Zeplowitz, of Williamsville.

And as a member and chairman of the Metropolitan Transportation Authority, Peter S. Kalikow, of New York City.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Move the nominations.

THE PRESIDENT: All in favor of

the nominations as read by the Secretary please indicate by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

SENATOR HASSELL-THOMPSON: Point of order, Madam President.

THE PRESIDENT: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Yes. Is Mr. Kalikow's appointment on the floor?

THE PRESIDENT: Yes, it is, Senator.

SENATOR HASSELL-THOMPSON: There are some members who would like to be heard on Mr. Kalikow's nomination.

THE PRESIDENT: If they will so indicate.

SENATOR HASSELL-THOMPSON: While I'm standing, Madam President, I would like to vote no on Joseph Strasburg.

THE PRESIDENT: The record will so reflect your vote, Senator.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

THE PRESIDENT: Senator Ada Smith.

SENATOR ADA SMITH: Thank you, Madam President.

I will be voting no on all nominations that have a term that expires after 2008, because I do not feel that it is appropriate for the Governor to put people into office that will go long after his term of office.

And the only ones that I will be voting yes on that have terms past that limit are the Boards of Visitors.

Thank you.

THE PRESIDENT: The record will so reflect your vote, Senator Ada Smith.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President, I would like the record to show that I am voting no.

I would like to be recorded in the negative because I too, like Senator Smith, find it just unreasonable that many of these appointments go out six, seven and more years. In fact, they go out further than the term of

office of the next governor. And notwithstanding who that may be -- it may be Faso, it may be Suozzi, it may be Spitzer -- whoever it is, we are now putting in place a government that will go beyond that administration.

I think that is unfair and unreasonable. We should not be doing that. And so I'm going to vote no on this list of nominees.

THE PRESIDENT: The record will so reflect your vote, Senator.

SENATOR MARCELLINO: Madam President.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: I think the record should reflect that this kind of appointment or the appointments being done now and the fact that they will extend beyond the Governor's term is not an atypical thing that has happened just unique to the Pataki administration. It happened under Mario Cuomo before him and under governors before that.

This is not new. This has gone on

for many, many governors as they pass and make appointments. So I don't know if the outrage was here when Mario did the same thing when he left office.

I'll be voting aye on all the appointments.

THE PRESIDENT: And the record will so reflect your vote, Senator Marcellino.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President. I rise to support all the nominees.

But I want to speak at least on one, Ron Rabinowitz, who is the chairman of our State Athletic Commission, boxing commissioner, better known professionally as Ron Stevens. And also known, I think, throughout the United States as one of the finest boxing commissioners there is in the country.

He has raised the status of boxing in New York State to a level that is truly respected nationally. He's a personal friend of mine and a personal friend of Senator Bruno, who's an undefeated boxer, and one that

I know that Ron Rabinowitz, Esquire -- as I said, who's better known as Ron Stevens -- his appointment does go through '09. I wish it went on a lot longer.

But he certainly is a credit not only to New York State but to our reputation for an industry that is a huge tourist attraction and one that he's given a lot of time and effort to.

And moving on on this huge list, I've got a number of constituents, but Gary O'Brien is also, I see, up there, from the Commission on Quality of Care, and I'd like to say what a fine job he's done with the Commission on Quality of Care.

Ron Rabinowitz I believe has been nominated already, has he not? No? Not yet? Well, all the words I've said about Ron Stevens, Ron Rabinowitz will have to go into the record for when he's nominated.

Thank you very much.

THE PRESIDENT: Thank you, Senator Farley.

Senator Ada Smith.

SENATOR ADA SMITH: Thank you,

Madam President.

To correct the record, Mario Cuomo was not -- did not have the ability to appoint the last few days of session, because he had no idea that he would be leaving office.

Therefore, please correct the record to make it stand.

THE PRESIDENT: Senator Gonzalez.

SENATOR GONZALEZ: Thank you, Madam President.

While we're supporting the -- I'm supporting the nominees, I would take note that those as they go beyond the new term will consider that they serve at the pleasure of the next governor, whoever that may be.

However, even with that support, I have some group that is witnessing this here from the Bronx, PS 66, and they're the future of whatever we're deciding here. And they happen to be witnessing, and I'm glad that I have this opportunity while I'm supporting the nominations that I recognize PS 66.

Thank you.

THE PRESIDENT: Senator Morahan.

SENATOR MORAHAN: Thank you,

Madam President.

I too rise in support of the nominations, in particular Dr. Edward McMahon for the Rockland Psychiatric Center Board of Visitors.

But as to the point raised by some of my colleagues as to the length and the appropriateness of making appointments with an outgoing governor, let me just point out that these terms would go even beyond the new governor who comes in here January 1st, Governor Faso.

So I tend to think that it's designed that way so that governors won't have supercontrol over those agencies or those appointees, because they are generally beyond any governor's term. Even those that are being appointed today will go beyond the next governor's terms, unless there's a dynasty where the person is elected three or four times.

So that's by design that those appointments go beyond the gubernatorial nominations and this confirmation process, so they will not be under the control or the

influence of anyone and that they can do the job with their best will, their best effort, and free of any political pressure.

Thank you, Madam President.

THE PRESIDENT: Senator Maltese.

SENATOR MALTESE: Madam President, I rise in favor of all the nominees and wish to comment that, aside from the objection of some of my esteemed colleagues as to the length of the terms, this is set forth in the constitution and this is something that assures the continuity of government for both parties and is something I think that should be lauded rather than criticized.

I rise especially to commend the Governor on his nomination of Peter Kalikow as chairman of the Metropolitan Transportation Authority. Earlier today I had the privilege of being at the hearing held by the Finance Committee for Mr. Kalikow.

As a majority member representing a portion of the City of New York, I deal on an almost daily basis with the transit system, the Metropolitan Transportation Authority -- buses, subways bridges -- and do want to

commend Mr. Kalikow on his expert stewardship. The fact that 9/11 passed without a single fatality, and the evacuation of the subway systems despite difficulties with communication were handled so efficiently.

But I think, even in addition to that, the fact that we in Queens County have passed through a period where private lines were taken over by the Metropolitan Transportation Authority and the fact that this was done with a minimum of complaints.

But I think more important for my constituents and the constituents in the City of New York is the fact that we can readily reach officials, high officials, reaching right up to Mr. Kalikow, when we have difficulties or problems. And I must say that they proceed very quickly to alleviate or correct problems that we have. And I think this is laudatory.

I also want to commend a steward who has led a system with over 70,000 employees, a system involving billions and billions of dollars through a period that has never taken place before in the history of the

city, where equipment is literally being replaced en masse and almost completely. And I think this is done with an eye toward economy, an eye toward efficiency, and done as expeditiously and as efficiently as possible.

So I rise to commend the Governor for his appointment and to commend Mr. Kalikow for what he has achieved thus far and hopefully will achieve in the future.

I vote aye.

THE PRESIDENT: Senator LaValle.

SENATOR LaVALLE: Thank you, Madam President.

I rise also to compliment the Governor on the nominees. The nominees in higher education were excellent and went through the Higher Ed Committee with unanimous approval.

But I rise here today to speak on the nomination of Peter Kalikow, as did Senator Maltese.

And this nominee is truly one of the great leaders that we've had in the position as chairman of the Metropolitan Transportation Authority. He has shown

leadership after the 9/11 crisis. He has shown that the monies that have been raised for capital in improving the system have been used. Legislation that we passed on public authorities, the MTA was one of the first authorities to move forward towards greater transparency, establishing a code of ethics. And you could go on and on and on.

But one of the things that I think I was really touched when Chairman Kalikow appeared before the Finance Committee was the fact that he talked about not only the accomplishments but those things that needed a greater effort to accomplish the goal. And also his commitment to the employees, the 70-plus-thousand people that work for the MTA.

So I think he is a true leader and we are very fortunate to have him in his capacity.

Thank you, Madam Chairman.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Thank you, Madam President.

I join and congratulate the Governor in renominating Peter Kalikow as

chairman of the MTA.

Serving on the MTA Capital Review Board, I've had the pleasure to work with Chairman Kalikow on so many critical mass-transportation issues, whether it's for the subway system, the Metro North, or the Long Island Railroad.

And I think we've seen under his tenure, and quite frankly under all the chairmen appointed by Governor Pataki, tremendous understanding of the need for improving the infrastructure of our mass-transportation system in the downstate region and also an understanding that service is critically important for all, because this is a matter of quality of life.

We've had our disagreements at times, but at no time can I say that Chairman Kalikow has shut me down and not listened to what my opinion has been. We've agreed sometimes, we've disagreed sometimes, but that's healthy. Because I believe that in the end, for the ridership, whether it's on the rails or the subway system in the city or our bus system, that there's been tremendous

amount of progress, and I'm hopeful through his continued tenure.

And I think it's important that he stay on as chairman so that many of these projects will be seen through with his experience and knowledge to make sure our transit system, which was neglected for years many years ago, will not be neglected in the future and that we will have a state-of-the-art mass transit system, whether it's Long Island, Metro North, or the subway system, but also a secure, a secure system.

And I know that Chairman Kalikow has been deeply involved in this, in making sure that our constituents, those who ride the subways, those who ride the trains who are so dependent upon it will be riding in a secure system.

So this is not a time for change. This is a time for the continued steady leadership of Chairman Kalikow. So I'm honored to be supportive of his renomination.

THE PRESIDENT: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank

you, Madam President.

On behalf of Senator David Paterson, I have been asked to register a no vote on all of the candidates.

THE PRESIDENT: The record will so reflect.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Madam President, thank you.

I just witnessed what I consider a disgrace. I looked at all of these candidates and many of these candidates are in positions of trust, responsibility, and commitment. They serve, many without any remuneration, and the remuneration they get is trying to make something happen in our great state, something that will be of benefit to all the residents of this state.

And to just arbitrarily say we don't want them -- where were all the votes, where were all the people talking about these individuals since their names first arose for nomination? What message do we say to those

individuals coming down the line?

And everybody worrying about a next governor -- why don't we worry about today? Maybe we ought to take a step back in life and realize that on Sunday it will be 56 years since North Korea invaded South Korea, and many young Americans -- here we have an opportunity to see democracy in action, because people came forward, said yes, you want me, I'll serve.

But what are we are saying to the next group? Don't be a fool and apply to do that, because they're going to tar and feather you? For what? Because you're a good citizen? Because you're a business? Because you're a judge or a lawyer or what you might be?

For me, I say thank you very much. I appreciate the fact that many of you have come here to witness your confirmation and you'll walk out of here with the thought of that's pretty darn nice, somebody stands up and says none of you are any good.

I don't believe that. I thank you for your service. And I will vote yes.

THE PRESIDENT: The question now is on the confirmation of all the nominees as -- Senator Krueger would like to be heard first.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President.

I rise to clarify that there are several nominees that I will be voting no for and the reasons why.

I will be voting no for Mr. Kalikow, not out of lack of respect for the work that he does. But in committee, when the question was asked "If the next governor asks you to step down as the chair of the MTA, will you?" his answer was no.

And while I respect the importance of independence of people who are appointed to boards, I frankly think that there has been so much information out there on the need to reform our public authorities, on the need to find a new path for many of our authorities, to hold them more accountable, that it is critical that the new governor, whoever they may be, has the ability to choose to change

leadership of such critical public authorities as the MTA.

And the new governor, whoever they are, may choose not to ask for a resignation of any given chair of a public authority. But I was not comfortable with that answer, and so I will be voting no on Mr. Kalikow.

I will also be voting no on Mr. Strasburg for the chairperson of SONYMA, because for the record -- and I have written this in a letter to the Governor -- I do not believe that paid registered lobbyists should serve on public authority boards whether or not they are paid in that position.

And I believe that the Governor's own Millstein Commission report that came out just about a month ago concluded the same analysis, that the rules of New York State should be clarified and that if you are a paid registered lobbyist, which is a valuable and important job, you should not also be making decisions on public authority boards about how the state's money is being used.

I will also be voting no on the renomination of Mr. Gargano to the Port

Authority of New York and New Jersey.

Thank you, Madam President.

THE PRESIDENT: Senator Savino.

SENATOR SAVINO: Thank you, Madam President.

I rise today to let the record reflect that while I am voting in favor of the vast majority of the nominees here today, and I want to pay particular attention to two judges, Judge Ajello from Staten Island and Judge --

THE PRESIDENT: Senator, the judges have not been nominated yet.

SENATOR SAVINO: Okay, thank you.

I do want to rise, though, and voice my objection to the point of Peter Kalikow as chair of the MTA.

The MTA serves the needs of millions of New Yorkers every day, and the appointment properly belongs with the next governor, whoever that person may be.

In Italian we have a expression that translates to "the fish stinks from the head." And this agency certainly is in disarray and has been for a long time.

In 2001 the Comptroller of the State of New York, Alan Hevesi, found that the MTA hid more than a half a billion dollars from the public by keeping two sets of financial plans, one public and one secret. More than five years after 9/11, the MTA still lacks an antiterrorism plan. In fact, their own surveillance plan system will not be operational for another two and a half years.

More than 2 million people ride the subways every day, and yet the MTA cannot figure out to how to keep the subway system from flooding, as it did last week, inconveniencing millions of New Yorkers.

I represent Staten Island, the most underserved county by the MTA, and people who have the longest commute of any in the country. Peter Kalikow is responsible for the failures of the MTA to Staten Island, and as a result he does not deserve to be renominated.

So I am objecting to his reappointment, and I want the record to reflect that.

THE PRESIDENT: Senator Parker.

SENATOR PARKER: Madam President,

on the nominations.

While I also am rising to actually confirm most of the nominations, I do have some objections to a few people, including Joseph Strasburg, Peter Kalikow, Gerard Kassar, and Joseph Gargano. And I want to vote no on those particular nominations.

I do share some of my colleagues' concerns that some of these nominations are far too long.

I think that, in reference to Senator Larkin's comments, that in fact this is the height of democracy, that in fact the whole idea that you can have a dissent over something and it can still go through and pass, but that there isn't a tyranny of the majority and in fact there can be some voices that dissent and should be on the record as dissenting.

And representing the people of my district, I note that the votes that I'm casting here today are what they would want. It is reflective of the issues and the concerns of those people that I represent and, I think, frankly, the vast majority of the

people of the State of New York.

That being as it may, I want to again agree with my colleagues who have said that the incoming governor, no matter who it is, should in fact have an opportunity to put his imprint on the government by in fact having opportunities to appoint people at least sometime in their term. To have people who are going to even go beyond the term of the incoming governor doesn't seem right, correct, fair or transparent. And so for those reasons, I'm going to be voting no.

As relates to particularly the nomination of Peter Kalikow, who I think overall has done a great job, I think that it's time for some new leadership there.

As I indicated to him in the Finance Committee, I was, as the son of a retired MTA worker, highly disappointed in how the negotiations were handled this December. I think that it is time to bring some folks in who are going to come to this process with some fairness, with some sincerity, and people who are going to negotiate with goodwill. And so I'm going to be voting no on that

nomination.

Thank you.

THE PRESIDENT: Senator Sabini.

SENATOR SABINI: Thank you, Madam President.

I'm going to be voting aye on most of the appointments. I just want to reflect the record of my colleagues on the Transportation Committee in the minority. Since I serve as ranker, I want to reflect their opinion as well.

I think the renomination of Chairman Kalikow is one that I have to question. I think he's been a quintessential New Yorker. He's actually done things for the system against the wishes of the administration and has been sometimes a friend of the ridership. I wish the strike was handled a little differently, especially the weeks leading up to the strike. But I subscribe to the comments that Senator Krueger made that perhaps the new governor should have some say in running what is one of the most critical authorities that we have.

You know, we're always complaining

in this house, both sides of the aisle, that the authorities are out of control. And I think the appointment is too long, into two terms of the next governor, to stand up.

I would prefer if Mr. Kalikow would say that he'd like to work with the new governor and perhaps work out an arrangement where, if the new governor had some other plans, that that could be worked out, because I think Mr. Kalikow is a reasonable man.

But from what transpired at the Finance Committee, and to reflect the wishes of my colleagues on Transportation, I'm going to be voting no on his renomination. Again, not specifically for his stewardship, which I think has been mostly for the good, except pre-strike time, but also because I think the term is too long and is not really where we want to go in changing the way our authorities are run.

So I'll be voting yes on all except that one. Thank you.

THE PRESIDENT: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you,

Madam President.

I really just want to call attention to two things. The first is the fact that, as indicated by Senator Hassell-Thompson, our leader, David Paterson, is making a statement of voting no for all of the nominees. And I think it's important to understand that this is not meant a criticism of the individual nominees, although there may be some individual issues.

The point is very simply this. The governor has the power to make appointments. Some are for terms of years that go into the next governor's administration. But the point that we're trying to make today is that the exercise of power requires the exercise of discretion, and that in our view discretion must be exercised in a different way.

The effort in particular to appoint people to more than one term, which the Governor has undertaken in this process, is completely objectionable and in my view, and Senator Ada Smith mentioned this before, unconstitutional.

But the key policy-making positions

that the Governor is seeking to fill here at the very end of the legislative session, with 87 nominations sailing through Finance -- and by the end of the week we're probably going to act on more than 100 appointments -- this is not the way to do things. This is not the right way to do things.

The point is that if we're ever going to reform ourselves, if we're ever going to rise out of this rubber-stamp role, we have to do things differently. The nominees are to critical positions. They need to be considered on an individual basis. And there has to be more openness and debate in the Senate.

Our power of confirmation is one of our most serious responsibilities, and I think in the view of many of us here we're not exercising that responsibility in a proper manner with this group of nominees.

In particular, I personally have to note my old and respected adversary, Mr. Kalikow, as in my capacity as lawyer for the Straphangers Campaign, long before I was in the Senate, I've had the opportunity to be

in litigation with the MTA quite a few times. And I would like to remind my colleagues here of several things that I think would indicate that perhaps a new governor wants to take a new direction and have a new chairman of the MTA and a new board of the MTA.

The first is the effort that was undertaken in 2001 to close token booths, without hearings, which we had to go to court to stop because the MTA was required by law to hold hearings before putting the public at risk by eliminating the number-one safety feature in the system, which is token-booth clerks with emergency response systems. And I'm sure that -- we did, actually, we won that case, so we ended up not getting the token booths closed.

The second, which was referred to by Senator Savino and others, was the question in 2002 of the MTA coming out with public records saying they had a $600 million deficit and then within a week changing -- as soon as the election was over, actually, in 2002 -- changing it and all of a sudden there was another half-billion-dollar deficit.

And that was the maneuvering that led both Bill Thompson, the New York City comptroller, and Alan Hevesi, the state comptroller, to assert publicly that the MTA was keeping two sets of books.

We won that in the district court; we lost in the appellate division. But the city comptroller, Mr. Thompson, said of that decision that, quote: "It's fine to lie, according to this court." And it's not fine to lie. I think the MTA can do better.

I will say that Mr. Kalikow and Katie Lapp, under his authority, have made significant progress. It's much easier for those of us who are critics of the system to understand where the money is being hidden now. It's still being hidden, but it's being hidden with a great deal more transparency. And I do think that there has been progress made. I don't mean to suggest that this is an entirely objectionable administration.

But I would suggest that the MTA does need new leadership. We can do better. And again, the point that my colleagues keep coming back to is this. You have to use some

restraint and discretion when you're talking about having the dead hand of an old administration limiting the ability of the new administration to act. There is a reason for there to be terms of years and for some appointees not to serve at the pleasure of the governor.

But this requires some restraint. Eighty-seven appointments rolling out of Finance today, coming to the floor, is not the way to do business. This is the kind of procedure that has people thinking that Albany is dysfunctional, we don't listen to the people, that the Legislature can be a rubber stamp at times.

Let's not play into that. Let's consider this more carefully. Let's do it differently, and let's let the new governor choose who he wants in his key policy-making roles.

And as Senator Smith has pointed out, there are people whose terms haven't even expired who we could leave for the new governor who would serve as recess appointments if we would leave it for the new

governor.

I am going to be voting no on Mr. Kalikow's appointment. I will not be voting no on all the other appointments. But I just wanted to explain why some of my colleagues will be speaking out right now, later today, and as the week goes on, on the issue of how we proceed with appointments.

Thank you, Madam President.

THE PRESIDENT: Senator Stavisky.

SENATOR STAVISKY: Yeah, very briefly.

Let me add one other point that has me troubled. And I don't think it concerns any of today's appointments but, rather, appointments for the future. We have some very, very fine nominees coming up later in the week, and this is in no way directed toward them.

I am troubled, though, when the Mayor and the Governor appoint members of their staff to various boards and commissions and so forth.

I think this is -- this has been going on for a number of years, quite a while.

I think it's wrong. And I wish the record to so reflect that I think they ought to go beyond their office.

The problem as far as I'm concerned is one of accountability. To whom is the person accountable, the person who signs their paycheck or the people whom they are supposed to serve?

Thank you, Madam President.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: I find it very interesting to see that the quality of the nominees is not in question, but the ability of a supposed future governor who may object to not having the opportunity to appoint these members himself.

John Faso never complained to me about it, and I don't know why Eliot Spitzer is complaining to them about it. He's saying these positions because they want to fill those positions. Well, that's not appropriate.

This governor has the authority to make these nominations, and we act upon those appropriately and confirm them if we have the

numbers, which I'm sure we do, and that's the end of the argument.

Move the nominations.

THE PRESIDENT: The question now is on the nominees' confirmation as read last by the Secretary. All in favor of the confirmations please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

THE PRESIDENT: The nominees are hereby confirmed.

I'd like also to recognize and acknowledge that Peter S. Kalikow with us this afternoon.

Congratulations, Mr. Kalikow, to you and to all of the nominees who were just confirmed. Best wishes.

(Applause.)

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: As chairman of the State Athletic Commission, Ronald Rabinowitz, Esquire, of Brooklyn.

SENATOR JOHNSON: Move the

nomination.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Yes, I've already spoken to ease the way for Ron Rabinowitz, who's better known as Ron Stevens, as our boxing commissioner and for the State Athletic Commission.

Incidentally, as I said before, we have a number of boxers in this chamber. Senator Balboni, I don't know if he's still here -- there he is. And also Senator Bruno, who was undefeated. And Senator Marchi, who once sparred or boxed with Gus Lesvenich. Am I right on that? And I used to take a few punches too.

But let me say that Ron Rabinowitz, who's better known as Ron Stevens, is truly an asset to the Boxing Commission and recognized nationally as an outstanding commissioner, and it is with enthusiasm that I support his nomination.

THE PRESIDENT: All in favor of the nomination of Ronald Rabinowitz, Esquire, of Brooklyn, as chairman of the State Athletic Commission for a term please signify by saying

aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(Response of "Nay.")

THE PRESIDENT: The nominee is hereby confirmed. And we wish him the best.

(Applause.)

THE PRESIDENT: And he is here with us this afternoon. Congratulations, and best wishes to you.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, may we please return to the order of motions and resolutions and adopt the Resolution Calendar, with the exception of Resolutions 5875, 6068, 6120, and 6135.

THE PRESIDENT: Motions and resolutions.

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 Fuschillo.

SENATOR FUSCHILLO: Madam President, there's a Resolution 5875 at the desk, by Senator Breslin. May we please have it read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Breslin, Legislative Resolution Number 5875, paying tribute to the life and distinguished career of Detective Kenneth P. Wilcox.

"WHEREAS, It is the sense of this Legislative Body to convey its heartfelt regret in recognition of the loss of a police officer who dedicated his purposeful life and career in faithful service to his family, community, and the Albany Police Department; and

"WHEREAS, Detective Kenneth P. Wilcox, of Colonie, New York, died on Wednesday, April 26, 2006, at the age of 39; and

"WHEREAS, Known to many as K-Will,

Kenneth P. Wilcox joined the Albany Police Department in 1988 as a patrol officer. He lived his life with great dignity and genuine grace, always demonstrating a deep and continuing concern for the welfare of others, and, in doing so, he inspired others to do the same; and

"WHEREAS, One of the department's most decorated detectives, Kenneth P. Wilcox proved to be an invaluable asset to the Albany Police Department. In 1994, he was awarded the key to the City of Albany for rescuing a baby from a burning building. Furthermore, he joined the crisis negotiation team and earned the department's Combat Cross for heroism in 1996, and also established a local chapter of the National Black Police Association; and

"WHEREAS, Recognized in the community as a caring and compassionate man, Detective Kenneth P. Wilcox was always present to lend a helping hand and offer a genuine smile, treating all those he came in contact with with dignity and respect; and

"WHEREAS, Detective Kenneth P. Wilcox's record of unimpeachable fairness will

endure as an inspiration and living legacy to all who had the privilege and honor of knowing him; and

"WHEREAS, The family of Detective Kenneth P. Wilcox -- including his wife, Phillippa Garland-Wilcox; daughter, Phiana; parents, Raymond, Sr., and Sarah; in-laws, Benjamin and Jeanette Garland; brothers, Raymond, Jr., and Ricky; sisters, Carolyn and Amy; and many aunts, uncles, nieces and nephews -- as well as the members of the Albany Police Department, have lost an eminent father, police officer and friend. He was recognized as a pillar within his home community of Albany County and will be greatly missed by many; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to pay tribute to the life and distinguished career of Detective Kenneth P. Wilcox, recognizing his loving labors and purposeful life, and conveying its sincere condolences to his family and friends; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted

to the family of Kenneth P. Wilcox."

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Thank you, Madam President.

This past April, when we lost Detective Ken Wilcox, we lost someone who was so valued by the Albany Police Department, who had spent over half of his relatively short life on the police department.

And his loss obviously is greatest to his family, who's here -- his wife, Phillippa; his daughter, Phiana; his mother, Sarah; his other relatives and friends who are here with us -- to his Albany police community; to our mayor, Jerry Jennings; to our police chief, Jim Tuffey; to his friends and fellow policemen; and to the entire city of Albany.

It seemed as though his personality permeated the police department. You know, from starting the national police chapter here, National Black Police chapter here, to getting Policeman of the Year, to the other awards. When you would pick up the paper and there would be a major investigation, and who

would be right in the center: Detective Wilcox.

And I think probably the most important thing -- and I've had a number of conversations with his good friend El-Wise, who works here in the Senate and is deeply saddened by the loss. But when you talk to El-Wise and others, you find out the real value of a Ken Wilcox. And that was his role as a role model -- throughout the Albany community, but in particular in the black community. That he served as a role model for the young. He served as a role model for things can and will be better.

And we will never, ever get over the loss of Ken Wilcox. He is a role model that we all should treasure, we all should emulate. And we take this day to honor his memory.

Thank you, Madam President.

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.

And you have our deep sympathy for a tremendous personal loss as well as a tremendous community loss.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President may we return to reports of standing committees and take up the Judiciary report.

THE PRESIDENT: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator DeFrancisco, from the Committee on Judiciary, reports the following nominations.

As a judge of the Court of Claims, Catherine M. Bartlett, of Goshen.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Madam President.

We had 17 judicial nominees in the Judiciary Committee today. If there are Senators out there that want to speak on these nominations, I would appreciate if they would

come to chambers.

Each of these 17, we reviewed their submittals to the Governor's office, we reviewed all the materials provided for them and on their behalf. They appeared before the committee and they were unanimously recommended to come before the full Senate for confirmation.

And as to the first nominee, Catherine M. Bartlett, of Goshen, as a judge of the Court of Claims, I would move the nomination and request that you call on Senator Larkin to second the nomination.

Apparently Senator Larkin is not here. He didn't hear my voice over the intercom. But we'll wait a moment because he can't be too far.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Thank you, Madam President.

I stand here to nominate Catherine Bartlett to the Court of Claims.

I have known Cathy for 15 years. She's a distinguished woman, Madam President. She is a credit to her community. She is a

credit to the profession. She is a credit to the bench that she's been sitting on as a town judge and now at the Court of Claims.

Cathy is the type of an individual who brings to the court the realism of what the case is all about, the realism about the life that we face today, and she adjudges those issues with honesty, sincerity and dedication.

I could stand here for another 30 minutes, Madam President, and tell you all the things that she does for our community. But there are a lot of other people here would like to speak on their judges.

But I just want to say when the Governor nominated Cathy Bartlett, he made sure that that round peg went into the round hole, because Cathy is second to none in her knowledge of the court system and her ability to make decisions that are in the best interest of all the people of the State of New York.

Thank you, Madam President.

THE PRESIDENT: Senator Bonacic.

SENATOR BONACIC: Thank you,

Madam President. I also rise in support of the confirmation of Catherine Bartlett.

When the Governor first proposed her name, I believe last year, I talked about all of her qualities, why she would be an excellent judge, having followed her career for many, many years. Now everyone in the State of New York knows that she conducts herself in an exemplary and professional way, and we in Orange County are very proud of her.

Thank you very much, Madam President.

THE PRESIDENT: Senator Morahan.

SENATOR MORAHAN: Thank you, Madam President. I too rise in support of the nomination and the effort to confirm Catherine Bartlett, from Orange County.

She currently serves, she was appointed last year. It was a great appointment by the Governor. She has served in great stead as a Court of Claims judge, and she's substituted for Supreme Court. She's done it all in a fantastic way.

She's a credit to the profession, a credit to the judiciary, and I am happy to

second her nomination and confirmation.

Thank you, Madam President.

THE PRESIDENT: All in favor of the nomination of Catherine M. Bartlett as a judge of the Court of Claims please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

I know Judge Bartlett, of her excellence, and this is a well-deserved tribute and accomplishment. Best wishes.

(Applause.)

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: As a judge of the Court of Claims, Russell P. Buscaglia, of Grand Island.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: I would move the nomination of Russell P. Buscaglia as a judge of the Court of Claims and request

that you recognize Senator Rath, who is seconding the nomination.

SENATOR RATH: Thank you, Madam President.

I rise to second the nomination of Judge Russell Buscaglia to the Court of Claims and congratulate the Governor on the wisdom of his choice.

Judge Buscaglia is held in extremely high regard and respect by both the bench and the bar in Western New York. He's a conscientious, dedicated judge, and I'd like to congratulate him on the nomination.

Thank you.

THE PRESIDENT: All in favor of the nomination of Russell P. Buscaglia, of Grand Island, as a judge of the Court of Claims please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Congratulations, and best wishes.

He is here today with Sue Intihar.

And Judge Bartlett is accompanied by her husband, William L. DeProspo.

Congratulations, and best wishes.

(Applause.)

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: As a judge of the Court of Claims, Francis T. Collins, of Saratoga Springs.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Madam President, I move the nomination of Francis T. Collins for the Court of Claims position for which he's been nominated. And I'd ask you to call on Senator Farley to second the nomination.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Senator DeFrancisco.

Actually, I'm substituting for Senator Bruno, who has known Timmy Collins, Francis Timothy Collins, and I think thinks of him almost like a son.

Timmy Collins is a graduate, if you

will, of our house. He has worked for the chairman of the Elections Committee, who was Senator Bruno, and also for the Standing Committee on Commerce and Economic Development, which was Senator Bruno, in small business, and he was the executive counsel to Senator Bruno.

Now, Senator Bruno and I share the city of Saratoga Springs, where I think Timmy lives. I don't know whether he's in my district or Joe's -- probably Joe's. Senator Bruno has asked me to second his nomination.

You know, Tim Collins has served in one of the most difficult jobs that you can find here -- saying no, doing many things for the Majority as the executive counsel -- and he did it with not only distinction but with grace. I've never known anybody that ever had a bad word to say against Tim Collins. A real gentleman, a fine judge.

And, you know, so often -- and I think our President knows this so well, one of the most important things about any judge is judicial temperament. And Tim Collins has that temperament which exemplifies the very

best in the judiciary.

It's a great deal of pleasure and an honor to see somebody do so well. Timmy, congratulations. We wish you well.

THE PRESIDENT: All in favor of the nomination of Francis T. Collins, of Saratoga Springs, as a judge of the Court of Claims please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Judge Collins, congratulations for another excellent achievement on your part. Best wishes.

(Applause.)

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: As a judge of the Court of Claims, Diane L. Fitzpatrick, of Tully.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: I rise to

move the nomination of Diane Fitzpatrick to a Court of Claims position, and I'd like to speak concerning her for a moment, since she's a constituent and friend of mine.

What I think is really important about this nominee is that she came from the trenches. Doing trial work myself, and being involved in the court system when I'm not enjoying myself here, it's a very difficult job. And it's a difficult job on the litigants, the clients, as well as the judges.

And I think you get a special appreciation when you're in the trenches as to how people should be treated and how decisions should be made. And Diane Fitzpatrick has that background.

She also served as a confidential law clerk for one of the criminal court judges in our community and served extremely well in that position, a very difficult position dealing with criminal cases and the criminal law.

But I think probably the most important thing about Diane is that she is fair and she has got impeccable judicial

temperament. No matter what your side is in a case -- unfortunately, I can't appear before Court of Claims judges -- but whatever your side is in the case, you know you're going to be treated fairly and you're going to be given a fair shake. And that's all anyone can expect from a judge.

So I'm very, very pleased to move the nomination of Diane Fitzpatrick for a reappointment for another term as a Court of Claims judge.

THE PRESIDENT: Senator Meier.

SENATOR MEIER: Very briefly, Madam President.

Judge Fitzpatrick and I have something in common that's maybe a little unusual. Her husband was my law school roommate. So Judge Fitzpatrick I know -- and actually, from actually having tried a case with her, I know that before going to the bench she was a great lawyer. By her reputation, she is a wonderful judge. And I know from other background and experience personally that she is unfailingly patient.

So congratulations, Judge.

THE PRESIDENT: All in favor of the nomination of Diane Fitzpatrick, of Tully, as a judge of the Court of Claims please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Judge Fitzpatrick, whom I know both her and her husband personally, I know of your excellence, and this is a great nomination and excellent confirmation. Best wishes for continued success.

(Applause.)

THE PRESIDENT: Judge Fitzpatrick is accompanied by Janet Higgins.

The Secretary will continue to read.

THE SECRETARY: As a judge of the Court of Claims, Michael E. Hudson, of Amherst.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the

nomination of Michael E. Hudson for the Court of Claims position and ask you to please call on Senator Rath to second the nomination.

THE PRESIDENT: Senator Rath.

SENATOR RATH: Thank you, Madam President.

I rise with great pleasure to second the nomination of Judge Michael Hudson for the Court of Claims.

Judge Hudson worked with my husband for many years as his court clerk, and I always said made my husband look extraordinarily good as a judge because of the work that Mike Hudson did. He gained the respect of the bench and the bar in those days. And his judicial temperament, his even and constant disposition, and his reputation for fairness is second to none in Erie County.

And when Judge Hudson was first nominated a few years ago, there was a former Senator here who had been the chairman of the Judiciary Committee who was reading through the nominees as they were going through at that time. And I don't know that I related this story even to Judge Hudson, but I'm proud

to say here that this former Senator stopped me in the hallway after I had made a seconding speech and said: "Senator Rath, I wish that we saw more and more and more people with the kinds of qualifications that this young man has to serve as a judge in New York State."

So I'm proud to be here to second the nomination for Judge Hudson.

Congratulations.

THE PRESIDENT: All in favor of the nomination of Michael E. Hudson, of Amherst, as a judge of the Court of Claims please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Congratulations and best wishes to you, Judge Hudson.

(Applause.)

THE PRESIDENT: Judge Hudson is accompanied by his wife, Dale.

The Secretary will continue to read.

THE SECRETARY: As a judge of the Court of Claims, Jill Konviser-Levine, of New York City.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination of Jill Konviser-Levine for the position of Court of Claims. I'd also like to speak briefly concerning her nomination.

I had the pleasure of working with her on a major piece of legislation -- this is a criminal judgeship we're talking about here in the Court of Claims -- and it dealt with Jenna's Law, the law that ended up eliminating parole for violent offenders. She was there from day one when the law was first discussed. In fact, I introduced her to the parents of the victim in Syracuse, New York, when she came with the Governor. A really important bill.

And ironically, today, this afternoon, we have the Women of Distinction awards. And ironically, without any forethought, Janice Grieshaber, the mother of the victim, is going to be here today and be

honored as one of the many Women of Distinction in the State of New York.

So her qualifications for this position are just impeccable. I'm really pleased that she's been renominated and that's she's going to continue to be a Court of Claims judge.

THE PRESIDENT: All in favor of the nomination of Jill Konviser-Levine, of New York City, as a judge of the Court of Claims please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Congratulations, Judge Konviser-Levine, for all of your successes, and best wishes.

(Applause.)

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: As a judge of the Court of Claims, Alan C. Marin, of New York City.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination of Alan C. Marin to the Court of Claims position for which he is nominated.

Judge Marin, soon to be Judge Marin, has impeccable qualifications. He has a broad spectrum of background that will serve well in a civil court judgeship.

He's demonstrated fairness, objectivity, and I'm sure he will be a great Judge. And I'm proud to move his nomination.

THE PRESIDENT: Senator Connor.

SENATOR CONNOR: Yes, Madam President. I rise to second the nomination of Judge Marin for reappointment.

Although he lives a few blocks out of my district in Senator Duane's district, I've known Judge Marin for many, many years. He was the counsel to the Assembly Labor Committee and later was special counsel and special counsel for Labor in the Assembly.

In certainly my first 16 years in the Senate, when I was the ranking member on the Civil Service and Pensions Committee and

also served on the Labor Committee, and back in the old days when bills were passed on their merits in this house, I and my staff at the time had many, many dealings with Alan Marin. A superb intellect, a fine professional.

He has served for these past, I guess, eight or nine years with distinction as a Court of Claims judge. And I urge his confirmation for reappointment to another term as a judge of the Court of Claims.

Thank you.

THE PRESIDENT: All in favor of the nomination of Alan C. Marin, of New York City, as a judge of the Court of Claims please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Congratulations, Judge Marin, and best wishes for continued success.

(Applause.)

THE PRESIDENT: The Secretary

will continue to read.

THE SECRETARY: As a judge of the Court of Claims, Renee Forgensi Minarik, of Webster.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination of Renee Minarik for the Court of Claims position and request that you please call on Senator Nozzolio for a second.

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President. On the nomination.

Madam President and my colleagues, I proudly rise to wholeheartedly endorse the nomination for a second term of Judge Renee Minarik to the Court of Claims.

Judge Minarik has been an excellent judge, and for many of the reasons that have been described in discussing the entire panel that is being nominated today, each of them bringing a characteristic to the bench that suits the citizens of the state very well in having a broad, diverse background of judges.

What is so unique about Renee

Minarik is that she brings to the bench a broad background in state and local government and particularly in local government. Although serving as a regional director of the Department of Environmental Conservation, also as an assistant attorney general at the state level, that she also worked in town government, in local government, and as an elected official in her own right as a county legislator representing Webster, which is the fastest-growing community in Monroe County, representing that constituency in the county legislature. Doing an excellent job in each of the tasks that she has undertaken.

We're all very proud of her, her accomplishments, and that this renomination certainly is something that made all the sense in the world.

I'd also like to point out another aspect of Judge Minarik that may not be as well known. That's as a graduate of Wells College in Aurora, New York, she has been certainly serving as a role model for graduates of that school and is very active in alumni affairs.

She is a trustee, an alumni trustee on the Wells College board, that she has been involved in many college activities, helping young people from this state and other states who are attending Wells College understand that here is a graduate that has reached one of the highest positions in her field. That is a very important role that Judge Minarik has played.

That I'm very proud to second this nomination. She is an excellent judge. And that I know in this next term she will continue to serve this state with distinction.

Madam President, I support this nomination.

THE PRESIDENT: All in favor of the nomination of Renee Forgensi Minarik, of Webster, as a judge of the Court of Claims please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Congratulations, Judge Forgensi

Minarik, and best wishes to you.

(Applause.)

THE PRESIDENT: Judge Minarik is accompanied by her husband, Steve, this afternoon.

The Secretary will continue to read.

THE SECRETARY: As a judge of the Court of Claims, Richard A. Molea, of Ossining.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination of Richard A. Molea as a Court of Claims judge, and I request that you call on Senator Leibell for a second.

THE PRESIDENT: Senator Leibell.

SENATOR LEIBELL: Thank you, Madam President.

And I know that our colleague Senator Spano had hoped to be here to speak on this nomination, but unfortunately he's in a meeting right now.

I'm very pleased, though, to stand and speak on this, because the judge and I go

way back. We both started out as young lawyers. We were blessed to start with Carl Vergari in the Westchester DA's office. And the judge had a long and distinguished career in that office and served the people of the County of Westchester with great distinction.

As well as you know somebody, you sometimes don't know them as completely. And when I saw this resume, I realized how much more extensive the judge's career had been than I even had known.

But I'm very pleased to stand up and second this excellent nomination. I know the judge will continue to serve this state with great distinction.

THE PRESIDENT: All in favor of the nomination of Richard A. Molea, of Ossining, as a judge of the Court of Claims please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Congratulations, Judge Molea, and

best wishes.

(Applause.)

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: As a judge of the Court of Claims, Michael F. Mullen, of Huntington.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination of Michael F. Mullen for the Court of Claims and request that you call on Senator Balboni to second the nomination.

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: Yes, Madam President. The year was 1986. I was a brand-new counsel to the Senate Judiciary Committee. Didn't know much. Folks might argue that hasn't changed much. And I arrived in the offices of a midtown Manhattan law firm that we were using to go through a whole raft of judges who were going to respond to the crack epidemic.

And here I am, this young counsel, I get brought into this room, and I'm given

three judges that I'm going to inquire about as to whether or not they fit the qualifications to become a member of the Court of Claims. And one of them was Michael Mullen. And little did I know what that first meeting would bring about, because I've gotten a chance to follow Judge Mullen's incredibly distinguished career.

First of all, he came from this world; he was a former counsel up here in Albany. But he has always applied himself with distinction and with judicial temperament.

He's also been a part of some of the major, major cases in the history of Suffolk County. He was with the Lizzie Grubman case, he had that one. Jamal Starks, who had held up an armored car. Farnd Farmer, who served 25 years to life for a horror spree of crime where he hijacked a car full of people, put them in the trunk, and drove them out to a forest and left them for dead.

He has also been involved with the case of Faustino Chavez, a murderer; Daniel Cifonelli; and Brian Tuohey and Howard Zeis,

all cases of notoriety, of intense pressure. But this jurist did it with aplomb, understanding, and with great justice and acumen.

It is such a pleasure to second the nomination of Judge Mullen. He is a tribute to our bench.

THE PRESIDENT: Senator LaValle.

SENATOR LaVALLE: Thank you, Madam President. I too rise to second Judge Mullen's nomination.

As Senator Balboni indicated, he served here on staff in the Senate, first with Senator B.C. Smith, doing environmental work as counsel, and then for our Senate Majority, under Majority Leader Warren Anderson, where he handled education and higher education.

As Senator Balboni indicated, he has truly handled some very, very difficult cases in the Tenth Judicial District, and he has done so with great fairness, great intellect.

And there is another aspect of Judge Mullen -- and we chatted a little bit today -- and that is a person who feels he is

very, very fortunate doing what he was meant to do and meant to be, and that is a judge.

And he has done an outstanding, outstanding job, and we are very fortunate to have him dealing with the kinds of cases that are very difficult, to use the law, to use the intellect, to use his heart, to use good judgment and fairness.

And I wish you good luck as you continue on your judicial career, Judge Mullen.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President. I rise to second the nomination of Judge Mullen.

Madam President, as you know, I'm not a lawyer, so I have no reason to suck up to the judge as some of my colleagues may have.

(Laughter.)

SENATOR MARCELLINO: I have no intention of becoming a defendant, to appear in front of him, so we're going to keep it that way.

And one other thing is I had never met the gentleman before today.

However, I have heard nothing but high praise about his capabilities, both on and off the bench, from people I respect, not only in this chamber but outside, who have called me and told me that this gentleman's nomination was up and that he was a good fellow and that I should speak well of him and vote for him.

So, Judge, I give you high praise for the people who praise you and care about you, because they speak very well of you, and that's great. It's good to have somebody on the bench who has people outside the profession who care about him and like him. That says, in my mind, lots about you.

So God bless, good luck, and keep up the good work.

THE PRESIDENT: All in favor of Michael F. Mullen, of Huntington, as a judge of the Court of Claims please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Judge Mullen, congratulations and best wishes for continued success.

(Applause.)

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: As a judge of the Court of Claims, Terry J. Ruderman, of Scarsdale.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination of Terry J. Ruderman for a Court of Claims position and request that you call on Senator Leibell for a second.

THE PRESIDENT: Senator Leibell.

SENATOR LEIBELL: Thank you, Madam President.

And once again, I'm sorry that my colleague Senator Spano is in a meeting right now and could not be here.

But I have had the good fortune to know Judge Ruderman and her family for many

years now, and I can attest to what a fine attorney she is, both in private and a long and distinguished career in government service. This is a great nomination to have before this body. She has served the people of Westchester County and the people of the State of New York very well and will continue to do.

I'd like to move the nomination.

THE PRESIDENT: All in favor of the nomination of Terry J. Ruderman, of Scarsdale, as a judge of the Court of Claims please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

She is here with her husband, Jerold Ruderman. I know both of them professionally, and I know of her excellent accomplishments. A great nomination, great confirmation.

Best wishes for continued success.

(Applause.)

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: As a judge of the Court of Claims, Thomas H. Scuccimarra, of Garrison.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: I rise to move the nomination of Thomas H. Scuccimarra and again call on our professional seconder, Senator Leibell.

THE PRESIDENT: Senator Leibell.

SENATOR LEIBELL: Thank you. Thank you very much.

And once again, I am pleased to speak on a nomination. And also I've known Judge Scuccimarra and his family for many years.

In fact, I have a picture in my office here in Albany of my last term in the Assembly where the judge, when he was serving as a town judge in the town of Philipstown, in Putnam County, administered the oath of office for my last term. I don't know how many of you would consider that to be a

recommendation. I like to think it is.

But certainly the judge has had a great and distinguished career also, one of the most prominent private practitioners in Westchester and Putnam counties. We're most fortunate that he went onto the bench. I know that he will continue to serve all the people of this state with great dignity and professionalism.

I'd like to move the nomination.

THE PRESIDENT: All in favor of the nomination of Thomas H. Scuccimarra, of Garrison, as a judge of the Court of Claims please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Judge Scuccimarra, congratulations and best wishes for success.

(Applause.)

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: As a judge of the

Court of Claims, Norman I. Siegel, of New Hartford.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination of Norman Siegel for a Court of Claims position and ask you to call on Senator Meier to second.

THE PRESIDENT: Senator Meier.

SENATOR MEIER: Thank you, Madam President.

Senator Leibell desperately wanted to second this, but he's just exhausted, poor man.

(Laughter.)

SENATOR MEIER: I have known Norm Siegel for a long time. And I think it speaks volumes about Norm and helps you understand him if you know that despite his many accomplishments in the community and as a lawyer, I think he's proudest and finds the most satisfaction in life in being Ann's husband and in being the father to his daughters and the grandfather to his beautiful grandchildren and a friend to many people.

And I'm proud to count myself among the legions of people who are fortunate enough to be in that company.

And I can also say, Madam President, that as a lawyer I know Norm Siegel just about any way you could know a lawyer. He was once, when I was corporation counsel in the City of Rome, my adversary, and to my chagrin he took large amounts of money out of the City of Rome in the form of certiorari proceedings, where he was renowned as a practitioner.

And I've also known Norm Siegel as a client. Because when I was the county executive of the County of Oneida, when it came time to hire a county attorney and to find someone who was the very best in terms of legal talent and judgment and in whose advice I could take great confidence, I asked Norm to serve in that capacity.

And then I've been privileged for a few years to practice law with him in the same law firm.

For obvious reasons, I did not have the pleasure of practicing in front of him

while he's been sitting these last few years on the Court of Claims, but I know many lawyers who have, and they have found him to be unfailingly fair and courteous.

Norm referred to himself today when he appeared before the Judiciary Committee as being lawyer-friendly, and I think a lot of lawyers sometimes kind of look with dismay at some of their former colleagues who seem to change character a little bit when they go on the other side of the bench. And that has never been the way Norm has conducted his life.

I always tell young lawyers, you can find law in law books, but that's not where you go to find justice. You find justice in a courtroom that's presided over by a judge who doesn't just know the law but who has broad experience in life and who brings common sense and compassion and a sense of fair play that can only be found here, in someone's heart.

That's the kind of judge Norm Siegel is. That's the kind of man he is. And I'm proud to second his nomination today.

THE PRESIDENT: All in favor of the nomination of Norman I. Siegel, of New Hartford, as a judge of the Court of Claims please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nominee is hereby confirmed.

Congratulations, Judge Siegel. Best wishes to you.

(Applause.)

THE PRESIDENT: The Secretary will continue to read.

THE SECRETARY: As a justice of the Supreme Court of the Second Judicial District, Michael V. Ajello, of Staten Island.

ACTING PRESIDENT YOUNG: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination of Michael Ajello, of Staten Island, as a justice of the Supreme Court of the Second Judicial District, and request that you please call on Senator Maltese to second the nomination.

ACTING PRESIDENT YOUNG: Thank you, Senator DeFrancisco.

Senator Maltese.

SENATOR MALTESE: Madam President, I rise to second the nomination of Michael Ajello as a justice of the Supreme Court.

First of all, I've known Justice Ajello for many, many years. He has previously served as a justice of the Supreme Court in an interim term and has been commended by all, bench and bar, in that capacity.

In addition, he has run for the office of Supreme Court many times and been approved unanimously by all the bar associations that had or considered his nominations.

Further, he was in the field of private practice for 38 years. And the background that that gives you I think well prepares you for the tasks before you on the bench.

In addition, he served as an arbitrator in small claims court and served as

a special assistant district attorney. So both civil and criminal, he has excelled.

I commend the Governor on this nomination and am proud to second the nomination of Michael Ajello as justice of the Supreme Court.

ACTING PRESIDENT YOUNG: Thank you, Senator Maltese.

The question is on the nomination of Michael V. Ajello, of Staten Island, as a justice of the Supreme Court of the Second Judicial District. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: Michael Ajello, of Staten Island, is hereby confirmed as a justice of the Supreme Court of the Second Judicial District.

Congratulations.

(Applause.)

ACTING PRESIDENT YOUNG: Judge Ajello is accompanied by his wife, Mary Ann,

and his sister-in-law, Margie Panzera.

Congratulations.

The Secretary will read.

THE SECRETARY: As a justice of the Supreme Court of the Second Judicial District, Anthony I. Giacobbe, of Staten Island.

ACTING PRESIDENT YOUNG: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination of Anthony Giacobbe for justice of the Supreme Court, Second Judicial District.

I should have mentioned before the last nominee, and pertaining to this nominee, that Senator Marchi wanted to be here, he was here earlier and he had to step out of the chambers, or he would -- he definitely wanted to speak on both of these nominations.

But in his absence, I would request that you recognize Senator Golden to second the nomination.

ACTING PRESIDENT YOUNG: Thank you.

Senator Golden.

SENATOR GOLDEN: Madam President,

I thank the Senator for allowing me to speak as a second here and for Senator Marchi as well, who is a great Senator and a great man and couldn't be here at this moment.

Anthony Giacobbe is a good friend of ours and a good friend of John Fusco, Judge Fusco, and of many on Staten Island and in Brooklyn, and has done a great job.

And if you take a look at this man's resume, from the United States Army, as a judge advocate, to working in the Kings County, of New York City, working with another judge, Mark Constantino, as his law secretary, going in private practice, working in Richmond County in the district attorney's office, being on the City Council as a city councilman at large in the City of New York, working with the borough president of Staten Island, working with the New York State Assembly, being an adjunct professor at St. John's University, working at the City Planning Commission of the City of New York from 1990 to the year 2000, from having his own law practice to sitting on the bench since 2000. Well-rounded, well-studied, very fair, very

honest, and the eminence in professionalism.

We congratulate this great man and his family, and the County of Staten Island and County of Richmond is lucky to have both of these great judges.

And congratulations to you, and I second this nomination.

ACTING PRESIDENT YOUNG: Thank you, Senator Golden.

The question is on the nomination of Anthony I. Giacobbe, of Staten Island, as a justice of the Supreme Court of the Second Judicial District. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: Anthony I. Giacobbe is hereby confirmed as a justice of the Supreme Court of the Second Judicial District.

Judge Giacobbe is accompanied by his son, Mark; his aunt, Gemma Caramenta; Joy Spinelli and her mother, Elena Spinelli.

Congratulations.

(Applause.)

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: As a judge of the Nassau County Family Court, Merik R. Aaron, of Hewlett Harbor.

ACTING PRESIDENT YOUNG: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination of Merik Aaron as a judge of the Nassau County Family Court and request that you recognize Senator Skelos to second the nomination.

ACTING PRESIDENT YOUNG: Senator Skelos.

SENATOR SKELOS: Thank you, Madam President.

And thank you, Senator DeFrancisco, for affording me the opportunity and pleasure to move the nomination of Merik Aaron as a Family Court judge in the County of Nassau.

I think we all know the sensitivity and the tough issues that our Family Courts deal with throughout the state. I'm confident

that Rick, with his -- I guess I'm probably going to have to call him "Judge" after this. That's probably the last time I'm going to be calling you "Rick."

But he has the sensitivity and certainly the knowledge and the desire to serve as a judge, and he will serve well as a Family Court judge.

His qualifications, whether it's as a teacher, whether it's as an adjunct professor, whether as a practicing attorney or working within the Town of Hempstead, he has an exemplary record in terms of service to our community.

And certainly his entire family -- and I know his wife, Karen, is here -- are active participants, constantly giving back to the Five Towns community which I represent and other areas of our great County of Nassau.

So it's my pleasure to support Senator DeFrancisco and move the nomination of Merik Aaron as a Family Court judge, County of Nassau.

ACTING PRESIDENT YOUNG: Thank you, Senator Skelos.

Senator Balboni.

SENATOR BALBONI: Yes, Madam President. I rise because I want to echo the sentiments of Senator Skelos but also make note of the fact that we have, in Judge Aaron, the kind of sensitivity and appreciation for the human condition that will make him an optimal Family Court judge.

He brings a lot to the table legally and intellectually, but he also has this wonderful personality. And he really appreciates the differing backgrounds that people have. And I think he'll be one of the true voices of reason in what can oftentimes be a maelstrom of emotions in the Family Court.

I second the nomination.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Balboni.

Senator Fuschillo.

SENATOR FUSCHILLO: Yes, Madam President, briefly. I just want to echo the sentiments of Senator Skelos and Senator Balboni.

You know, Rick, I never thought this day would come where I'd be sitting in the Senate and you'd be sitting up there. As somebody who grew up next to you as a kid in Carle Place, Westbury, where you were the chair in Carle Place High School. Times have certainly changed.

And I congratulate you. And I think Senator Skelos said it best, that you have the right temperament to deal with the critical issues that come before the Family Court.

Congratulations to you and your family.

ACTING PRESIDENT YOUNG: Thank you, Senator Fuschillo.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

I also rise to congratulate Rick Aaron on his elevation to the Family Court, a most difficult court, one that sees families most of the time at their worst. So we need judges who have the right temperament and the ability to see things as they should be and to

make it work.

So I congratulate the Governor on this appointment. It's a good one.

And, Rick, do a great job. I know you will. God bless.

ACTING PRESIDENT YOUNG: Thank you, Senator.

The question is on the nomination of Merik R. Aaron, of Hewlett Harbor, as a judge of the Nassau Family Court. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: Merik R. Aaron is hereby confirmed as a judge of the Nassau County Family Court.

Judge Aaron is accompanied by his wife, Karen, and his daughter, Stacy.

Congratulations.

(Applause.)

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: As a judge of the

Rockland County Court, Karen Amanda Riley, of Suffern.

ACTING PRESIDENT YOUNG: Senator DeFrancisco.

SENATOR DeFRANCISCO: I rise to move the final nomination this morning, or this afternoon -- probably evening. In case there weren't enough today -- we had 17 today, we'll have 18 tomorrow. So don't despair.

I move the nomination of Karen Riley as a judge of the Rockland County Court, and request that you call on Senator Morahan to second the nomination.

ACTING PRESIDENT YOUNG: Thank you, Senator.

Senator Morahan.

SENATOR MORAHAN: Thank you, Madam President.

I am truly proud to rise to second the nomination of Karen Riley. Karen is an experienced prosecutor, a young woman who has worked her way through college, worked her way through law school at night, worked in the interim in the human resources field, taken a break between her undergraduate work and her

law school, where she graduated from Pace University cum laude.

She has ten years experience in the Rockland County district attorney's office. In that capacity, she has prosecuted murders, attempted murders, homicides, robberies and sex offenders.

I think she comes eminently qualified in this day and age where we have surfaced so many sex crimes in this state, in that she was training other assistant DAs in that form of prosecution. That she has, over the years, prosecuted and represented the district attorney in the prosecution of sex-offender cases.

She's admired by all back home. And as her Senator, I am delighted to second her nomination and to welcome Karen and her husband, Christopher, to the chamber today.

Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator.

The question is on the nomination of Karen Amanda Riley, of Suffern, as a judge of the Rockland County Court. All in favor

signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: Karen Amanda Riley is hereby confirmed as a judge of the Rockland County Court.

Judge Riley is accompanied by her husband, Christopher.

Congratulations.

(Applause.)

ACTING PRESIDENT YOUNG: Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, may we please return to the order of motions and resolutions.

And please take up Resolution 6068, by Senator Hassell-Thompson, have its title read only, and please recognize Senator Hassell-Thompson.

ACTING PRESIDENT YOUNG: Motions and resolutions.

The Secretary will read.

THE SECRETARY: By Senator

Hassell-Thompson, Legislative Resolution Number 6068, memorializing Governor George E. Pataki to proclaim October 26, 2006, as Walk with Me Day in the State of New York.

ACTING PRESIDENT YOUNG: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

Four years ago, the Bronx borough president appointed Naomi Rivera and myself to become the chairs of the task force for domestic violence in the Bronx. And one of the projects that Assemblywoman Rivera brought to the Legislature was a "walk with me" concept that says for men and women to get out and march and to walk against domestic violence.

This resolution calls for the Governor to proclaim October 26th as Walk with Me Day. Last year, campuses across the State of New York became involved; 26 college campuses had Walk with Me Days. And we are hoping to increase that number of college campuses across this state, and to neighboring states, to raise the consciousness about

domestic violence.

So I would appreciate and open this resolution in the State Senate to each of my colleagues and ask for their support for a cause and a condition that plagues and destroys families.

One of my other concerns is that we not only look at the punitive side of the issue of domestic violence but we begin to look at how do we treat and change the cycle of domestic violence from one generation to another.

So I thank my colleagues, and I thank you for this opportunity to speak on this resolution and would hope that my colleagues would sign on and support it.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator.

On the resolution, all in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: The resolution is adopted.

Senator Fuschillo.

SENATOR FUSCHILLO: Senator Hassell-Thompson has requested to open it up for cosponsorship.

To follow the normal rules of the house, put all the members on it. And anybody who wishes not to be on it, please let the desk know.

ACTING PRESIDENT YOUNG: Thank you, Senator. Any member not wishing to be on resolution please notify the desk.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, Resolution 6135, by Senator Maziarz, is at the desk. May we please have it read in its entirety, move for its immediate adoption, and recognize Senator Maziarz.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: By Senator Maziarz, Legislative Resolution Number 6135, commending Relax on Cloud Nine, License

Monitor, and Matrix Imaging Solutions upon the occasion of their induction into the New York State Small Business Development Center's Hall of Fame.

"WHEREAS, It is the sense of this Legislative Body to recognize that small businesses greatly contribute to the economic vitality of communities across New York State; and

"WHEREAS, Events which honor small businesses help to enhance the free enterprise system upon which our nation was built; and

"WHEREAS, This Legislative Body is justly proud to commend Relax on Cloud Nine, License Monitor, and Matrix Imaging Solutions upon the occasion of their induction into the New York State Small Business Development Center's Hall of Fame at the Awards Banquet on Tuesday, June 20, 2006, at Jack's Oyster House, Albany, New York; and

"WHEREAS, The individuals selected for the Small Business Development Center (SBDC) Hall of Fame are the most outstanding clients assisted by the program between 1984 and 2006. Their selection is the result of a

process that involves the entire organization; and

"WHEREAS, The SBDC honors three business owners that embody the best characteristics of entrepreneurs -- vision, confidence, hard work, dedication, creativity, flexibility, drive, and organization -- by inducting them as members of the SBDC Hall of Fame; and

"WHEREAS, The New York State Small Business Development Center has, for over two decades, provided the highest-quality, pro bono business counseling, business training, and focused industry-specific business research -- in partnership with the U.S. Small Business Administration and the State University of New York -- to thousands of New Yorkers who want to start a small business or improve the performance of an existing business; and

"WHEREAS, Over the course of these 20 plus years, the SBDC has emphasized technology and technology-related businesses as a way of achieving greater efficiency and promoting the long-term growth of the New York

economy; and

"WHEREAS, The SBDC has measured its success one small business client at a time, and has elevated to a special business Hall of Fame over 30 outstanding New York businesses that have had an overwhelmingly positive long-term impact on their communities; and

"WHEREAS, The distinguished 32 members of the SBDC Hall of Fame have been expanded this year to include three new inductees; and

"WHEREAS, Small businesses exert a strong positive influence on our communities, and the future welfare of New York State depends on the continued development of small businesses; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commend Relax on Cloud Nine, License Monitor, and Matrix Imaging Solutions upon the occasion of their induction into the New York State Small Business Development Center's Hall of Fame; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted

to Relax on Cloud Nine, License Monitor, and Matrix Imaging Solutions."

ACTING PRESIDENT YOUNG: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

It's with a great deal of pride that I want to just join with my colleagues, Senator John Marchi and Senator Tom Morahan, in congratulating these three small businesses in New York State upon their induction into the Hall of Fame.

They are truly all Hall of Famers. They've done great jobs in growing a small business in New York State to very profitable status and really assisting a whole lot of people, and are a real example to other small businesses in the State of New York.

And I want to commend the Small Business Development Center. Each and every year in our SUNY budget we have money included for small business development centers across the New York. And these three small businesses have all benefited from the dollars that we allocate on an annual basis to the

SBDCs across this state.

But most particularly -- three great businesses, but I do want to mention particularly Matrix Imaging Solutions, from my Senate district, and the Olivero family that's here today.

Alan has grown this business from an idea to a very successful corporation today that's located in two places, in the state of New York and also a subsidiary in the state of Texas. And he really does an excellent job.

And I always joke around about this when I mention Alan's business and talk about the success of it today. Regardless of where you live in the United States, or probably around the world, I am certain that all of you get a solicitation on a daily basis from a credit card company or a bank or a financial institution. Those are all printed, mailed, sorted and folded in Niagara County and come from Matrix Imaging Solutions. So there's the guy to blame, right there, for all that mail that you get.

On a serious note, Madam President, these three entrepreneurs have really done a

great job and are a great example to other entrepreneurs all across New York.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Maziarz.

The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: Congratulations. The resolution is adopted.

(Applause.)

ACTING PRESIDENT YOUNG: Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, are there any other motions at the desk?

ACTING PRESIDENT YOUNG: Senator Fuschillo, yes, there are.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Libous, on

page 39, I offer the following amendments to Calendar Number 1233, Senate Print 7307A, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT YOUNG: Thank you, Senator Farley.

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

SENATOR FARLEY: On behalf of Senator Wright, on page 42, I offer the following amendments to Calendar Number 1286, Senate Print 7518A, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT YOUNG: Thank you, Senator Farley.

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

SENATOR FARLEY: Madam President, on behalf of Senator Saland, on page 39, I offer the following amendments to Calendar Number 1236, Senate Print Number 7921A, and I ask that that bill retain its place on the

Third Reading Calendar.

ACTING PRESIDENT YOUNG: Thank you, Senator Farley.

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

SENATOR FARLEY: Madam President, on behalf of Senator Padavan, on page 18, I offer the following amendments to Calendar Number 628, Senate Print 2164B, and I ask that that bill retain its place on the Third Reading Calendar.

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

SENATOR FARLEY: Madam President, on behalf of Senator Saland, I wish to call up his bill, Print Number 312, recalled from the Assembly and it's now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 311, by Senator Saland, Senate Print 312, an act to amend the Penal Law.

SENATOR FARLEY: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

SENATOR FARLEY: Madam President, I now offer the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President.

On behalf of Senator Alesi, I wish to call up Print Number 6365, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 175, by Senator Alesi, Senate Print 6365, an act to amend the Public Health Law.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

SENATOR BONACIC: Madam President, I now offer the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR BONACIC: On behalf of Senator Little, I wish to call up Print Number 8092, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1762, by Senator Little, Senate Print 8092, an act to legalize, validate, ratify and confirm.

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

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

SENATOR BONACIC: Madam President, I now offer the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR BONACIC: Thank you.

ACTING PRESIDENT YOUNG: Senator Fuschillo.

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

ACTING PRESIDENT YOUNG: Yes, there are.

SENATOR FUSCHILLO: Please take them up.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: On page 16, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 8034 and substitute it for the identical Senate Bill Number 4658, Third Reading Calendar 555.

On page 21, Senator Hannon moves to discharge, from the Committee on Health, Assembly Bill Number 5220A and substitute it

for the identical Senate Bill Number 4797A, Third Reading Calendar 759.

On page 22, Senator Diaz moves to discharge, from the Committee on Rules, Assembly Bill Number 10085 and substitute it for the identical Senate Bill Number 6640, Third Reading Calendar 772.

On page 24, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 10731A and substitute it for the identical Senate Bill Number 7377A, Third Reading Calendar 843.

On page 43, Senator Bruno moves to discharge, from the Committee on Labor, Assembly Bill Number 8840C and substitute it for the identical Senate Bill Number 5728C, Third Reading Calendar 1315.

On page 46, Senator Hannon moves to discharge, from the Committee on Health, Assembly Bill Number 10891A and substitute it for the identical Senate Bill Number 7718A, Third Reading Calendar 1356.

On page 48, Senator Marcellino moves to discharge, from the Committee on Transportation, Assembly Bill Number 6799B and

substitute it for the identical Senate Bill Number 3643C, Third Reading Calendar 1403.

On page 53, Senator Balboni moves to discharge, from the Committee on Local Government, Assembly Bill Number 9967 and substitute it for the identical Senate Bill Number 7096, Third Reading Calendar 1527.

On page 58, Senator Golden moves to discharge, from the Committee on Aging, Assembly Bill Number 5790 and substitute it for the identical Senate Bill Number 1195, Third Reading Calendar 1789.

On page 59, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 130 and substitute it for the identical Senate Bill Number 3646, Third Reading Calendar 1794.

On page 59, Senator Spano moves to discharge, from the Committee on Crime Victims, Crime and Correction, Assembly Bill Number 7183A and substitute it for the identical Senate Bill Number 5119A, Third Reading Calendar 1797.

On page 59, Senator Morahan moves to discharge, from the Committee on Rules,

Assembly Bill Number 9147A and substitute it for the identical Senate Bill Number 6310A, Third Reading Calendar 1798.

On page 59, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 9288A and substitute it for the identical Senate Bill Number 6361A, Third Reading Calendar 1799.

On page 59, Senator Maziarz moves to discharge, from the Committee on Local Government, Assembly Bill Number 10384 and substitute it for the identical Senate Bill Number 6623, Third Reading Calendar 1801.

On page 60, Senator Maziarz moves to discharge, from the Committee on Rules, Assembly Bill Number 11009 and substitute it for the identical Senate Bill Number 7010A, Third Reading Calendar 1803.

On page 60, Senator Young moves to discharge, from the Committee on Rules, Assembly Bill Number 10600 and substitute it for the identical Senate Bill Number 7139, Third Reading Calendar 1804.

On page 60, Senator Robach moves to discharge, from the Committee on Insurance,

Assembly Bill Number 10179 and substitute it for the identical Senate Bill Number 7302, Third Reading Calendar 1806.

On page 60, Senator Padavan moves to discharge, from the Committee on Local Government, Assembly Bill Number 11225 and substitute it for the identical Senate Bill Number 7647, Third Reading Calendar 1811.

On page 61, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 10591 and substitute it for the identical Senate Bill Number 7814, Third Reading Calendar 1817.

And on page 62, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 11554 and substitute it for the identical Senate Bill Number 8060, Third Reading Calendar 1827.

ACTING PRESIDENT YOUNG: Substitutions ordered.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, at this time may we please have the reading of the noncontroversial calendar.

ACTING PRESIDENT YOUNG: The

Secretary will read.

THE SECRETARY: Calendar Number 204, by Senator Leibell, Senate Print 3813A, an act to amend the Not-For-Profit Corporation Law and the Penal Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 3. This act shall take effect January 1, 2007.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 215, by Senator Maziarz, Senate Print 3209B, an act to amend the Workers' Compensation --

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

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

THE SECRETARY: Calendar Number

229, by Senator Young, Senate Print 6605, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 58. Nays, 2. Senators Andrews and Hassell-Thompson recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 249, by Senator Padavan, Senate Print 3972A, an act to amend the Retirement and Social Security Law.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 338, by Senator Spano, Senate Print 6005, an act to amend the Arts and Cultural Affairs Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number

553, by Senator Padavan --

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

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

THE SECRETARY: Calendar Number 554, by Senator Padavan, Senate Print 4575, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 555, substituted earlier today by Member of the Assembly Grannis, Assembly Print Number 8034, an act to amend the Administrative Code

of the City of New York.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 557, by Senator Padavan, Senate Print 4970A, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce

the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 688, by Senator Young, Senate Print 6820C, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 726, by Senator Bonacic, Senate Print 6952C, an act to authorize the City of Port Jervis.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: In relation to Calendar Number 726: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 759, substituted earlier today by Member of the Assembly John, Assembly Print Number 5220A, an act to amend the Public Health Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 120th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 772, substituted earlier today by Member of the Assembly Diaz, Assembly Print Number 10085, an act to amend the Executive Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 843, substituted earlier today by Member of the Assembly Abbate, Assembly Print Number 10731A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT YOUNG: Read the

last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 990, by Senator Little, Senate Print 7755A, an act to amend the General Municipal Law and others.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1012, by Senator Seward, Senate Print 7104, an act to amend the --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1030, by Senator Farley, Senate Print 7426A, an act to amend the Public Health Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2006.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill

is passed.

THE SECRETARY: Calendar Number 1075, by Senator Marchi --

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

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

THE SECRETARY: Calendar Number 1094, by Senator Larkin, Senate Print 7600A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 59. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number

1101, by Senator Spano, Senate Print 7816A, an act to amend the Social Services Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1190, by Senator Trunzo, Senate Print 3821, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce

the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1315, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8840C, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 3. This act shall take effect April 1, 2006.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1356, substituted earlier today by Member of the Assembly Gunther, Assembly Print Number 10891A, an act to amend the Public Health Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1379, by Senator Volker, Senate Print 879A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Volker, to explain his vote.

SENATOR VOLKER: I just want

everybody to be aware of this bill, which would designate the sergeant-at-arms of the Senate and the Assembly as criminal -- as peace officers. They are already peace officers under other areas of the law.

The reason I say that is that both leaders, Senator Bruno and Speaker Silver, have been apprised of this. And this bill will only go to the Governor if both leaders agree.

The reason for this bill has nothing to do with guns. We've got to get that out of there, because it doesn't -- the leaders have the decision whether anybody carries a weapon or not. This has to do with liability and authority.

We've had several major incidents in both houses involving assaults and so forth, and many people believe that what is necessary is that this should be the peace officer status, which does give additional status under the Criminal Procedure Law, should be given to our -- meaning our people in this chamber and in the other chamber.

But the decision as to whether this

is done or not will obviously be made by both the Majority Leader and the Speaker. If either one disagrees, then this bill isn't going to go on to the Governor. I just want everybody to understand that.

ACTING PRESIDENT YOUNG: Thank you, Senator Volker. You will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1390, by Senator Duane, Senate Print 6619A, an act to amend the Civil Rights Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1403, substituted earlier today by Member of the Assembly Colton, Assembly Print Number 6799B, an act to amend the Vehicle and Traffic Law and the State Finance Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1462, by Senator Maltese, Senate Print 6835, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1480, by Senator Flanagan, Senate Print 7621A, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1487, by Senator Morahan, Senate Print 6779A, an act relating to school bus travel.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1497, by Senator Winner, Senate Print 6542A, an act to amend the Tax Law.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

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

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1499, by Senator Skelos, Senate Print 7135A, an act to amend the Public Officers Law and the Civil Practice Law and Rules.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 30th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1527, substituted earlier today by Member of

the Assembly DiNapoli, Assembly Print Number 9967, an act to amend Chapter 602 of the Laws of 1993.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1528, by Senator Larkin, Senate Print 7156A, an act to authorize the City of Kingston.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1537, by Senator Balboni, Senate Print 7570A, an act to authorize the Town of North Hempstead.

ACTING PRESIDENT YOUNG: 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 YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1632, by Senator Skelos, Senate Print 6541, an

act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1687, by Senator Larkin, Senate Print 6693B, an act to amend the Agriculture and Markets Law and others.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce

the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1721, by Senator Leibell, Senate Print 7713A, an act to amend the Not-For-Profit Corporation Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1789, substituted earlier today by Member of the Assembly Aubertine, Assembly Print Number 5790, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1790, by Senator Nozzolio, Senate Print 1270A, an act to amend the Penal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62. Nays, 0.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1792, by Senator Morahan, Senate Print 3328, an act to amend the Penal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60. Nays, 2. Senators Duane and Hassell-Thompson recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1793, by Senator Skelos, Senate Print 3506B, an act to amend the Correction Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 31. This act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Montgomery.

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

I have opposed this legislation in the past, and I continue to oppose it because it includes in the requirement for the new level of registration all of the levels including Level 1. And I would agree with it except it does include Level 1.

So I'm going to continue to oppose this legislation. I vote no.

ACTING PRESIDENT YOUNG: Thank you, Senator Montgomery. You will be recorded in the negative.

Announce the results.

THE SECRETARY: Ayes, 60. Nays, 2. Senators Duane and Montgomery recorded in

the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1794, substituted earlier today by Member of the Assembly Bradley, Assembly Print Number 130, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1796, by Senator Golden, Senate Print 5031, an act to amend the Executive Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1797, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 7183A, an act authorizing and conferring jurisdiction.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the same date as Chapter 408 of the Laws of 2005.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce

the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1798, substituted earlier by Member of the Assembly Zebrowski, Assembly Print Number 9147A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1799, substituted earlier today by Member of the Assembly Brodsky, Assembly Print Number 9288A, an act to amend the Vehicle and Traffic

Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1800, by Senator Little, Senate Print 6504A, an act to amend Chapter 80 of the Laws of 2000 amending the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator

DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes, I'm going to vote yes. And I certainly understand the need for this bill.

But on the other hand, there are many, many young people who want to be veterinarians in this state. Unfortunately, there's not enough veterinarian schools or the schools aren't large enough, so we pass bills such as this while we reject kids, young people who are well-qualified to become veterinarians, from going to vet school. It just makes absolutely no sense.

In fact, it's more difficult to get into veterinarian school than it is into medicine school, in many instances. So if you have young people from our state ready, willing, able, anxious and dying to become veterinarians, we should expand the ability of them to become it, one, by increasing the educational opportunities rather than having to pass a bill like this because of the drastic need to service underserved areas.

Thank you.

ACTING PRESIDENT YOUNG: Thank

you, Senator.

Senator Little, to explain her vote.

SENATOR LITTLE: Thank you, Madam President.

I agree with Senator DeFrancisco that there is a shortage of veterinarians in New York State. And I appreciate the fact that we are able to extend this provision once again. I thank Senator LaValle and the Higher Education Committee for proceeding with this bill.

But what this bill points out is that there is a shortage and that we have farms, particularly in the North Country, in my district, in Franklin and Essex, Clinton County, where they're unable to get veterinarians to service their farms. And therefore, they need to have veterinarians from Canada who come across the border and work on those farms.

So yes, we should move forward with a new vet school, and I would certainly support that, or expanding the fine vet schools that we have. But I will vote in the

affirmative, and I thank everyone for their support.

ACTING PRESIDENT YOUNG: Thank you, Senator Little. You will be recorded in the affirmative.

Senator LaValle.

SENATOR LaVALLE: Madam President, I rise to explain my vote.

I think Senator Little made the case to the committee that many of the upstate farms needed veterinarians and that there was a shortage.

One of the concessions and one of the things that was added to the bill is that noncitizens applying for citizenship have to make and show to the Board of Regents that they are making progress towards citizenship.

And I think Senator DeFrancisco makes a good case. We really need to expand the opportunities for all individuals in the area of veterinary medicine. It is -- there are very few schools in the entire country. We in this state are very privileged to have Cornell University School of Veterinary Medicine, which produces just excellent and

wonderful veterinarians.

But we do have to meet the needs of the farm community, and I think Senator Little made that case. And with the amendment, I think it was a good compromise. I vote in the affirmative.

ACTING PRESIDENT YOUNG: Thank you, Senator LaValle. You will be recorded in the affirmative.

Senator Padavan.

SENATOR PADAVAN: Yes, Madam President, to explain my vote.

There's no doubt that Senator DeFrancisco makes a valid point. We need -- as others have indicated, Senator LaValle in particular, the need for an expansion of that capacity.

However, with the increased prevalence of animal-borne diseases, which is international, the need for veterinarians has never been greater. And the simple fact is we have a shortage. Which is why this bill is supported by the veterinarians themselves. One would think that they would not want to expand the numbers competing with them in this

state, but they recognize that there's a problem.

But keep in mind, this extension is only for several years. So obviously we're not doing this forever. Which will give us time, perhaps, to deal with the underlying issue of numbers.

I vote aye.

ACTING PRESIDENT YOUNG: Senator Padavan, you will be recorded in the affirmative.

I also want to remind the house that we need to have some order here, that the noise level should stay down.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1801, substituted earlier today by Member of the Assembly John, Assembly Print Number 10384, an act to amend the Volunteer Firefighters Benefit Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1803, substituted earlier today by Member of the Assembly Schimminger, Assembly Print Number 11009, an act to amend the General Business Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1804, substituted earlier today by Member of the Assembly Aubertine, Assembly Print Number 10600, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60. Nays, 2. Senators LaValle and Serrano recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1805, by Senator Farley, Senate Print 7227A, an act in relation to state aid payments.

ACTING PRESIDENT YOUNG: Read the

last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1806, substituted earlier today by Member of the Assembly Espaillat, Assembly Print Number 10179, an act to amend Chapter 19 of the Laws of 1994.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1808, by Senator Morahan, Senate Print 7403A, an act to amend the General Business Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

SENATOR MORAHAN: Madam President, to explain my vote.

ACTING PRESIDENT YOUNG: Senator Morahan, just one second, please.

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Morahan, to explain his vote.

SENATOR MORAHAN: Thank you, Madam President.

This bill is another bill designed to protect the security information that we have as people, as persons go out and use Internet access, machines and computers, in any of the hotels or Internet cafes, and some

others use this as a source to hack into their private information.

This requires signs to be put up at that public locations to remind users that they have to use some security measure to protect their information. It goes in line with the bills that were passed earlier this year by Senator Fuschillo and myself on the security card scanner as well as our Social Security number measure.

So this is just another step in trying to protect the people from those who would hack in and get personal information and just make life very untenable for people.

Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator Morahan. You will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1809, by Senator Seward, Senate Print 7533, an act to amend the Abandoned Property Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1811, substituted earlier today by Member of the Assembly Farrell, Assembly Print Number 11225, an act to amend the Local Finance Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1813, by Senator Rath, Senate Print 7719, an act to amend the Real Property Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1814, by Senator Seward, Senate Print 7736B, an act in relation to creating a state Civil Air Patrol Board.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 6. This

act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Yes, Madam President, thank you. Just to explain my vote.

I am voting in favor. It is very interesting that many years ago I belonged to Civil Air Patrol. And it is, I think, somewhat timely that there has been a resurgence of the need for Civil Air Patrol duties. And this board will be quite instrumental in supporting those functions.

I just wanted to just add that little quip to the record that those were the days when I thought that a military career was one that I wanted.

But I thank you for this bill. And I will support it, Senator Seward.

ACTING PRESIDENT YOUNG: Thank you, Senator Hassell-Thompson. You will be

recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1815, by Senator Young, Senate Print 7779B, an act authorizing the Village of Westfield.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1816, by Senator Flanagan, Senate Print 7781, an act to amend the Penal Law.

ACTING PRESIDENT YOUNG: There is

a local fiscal impact note at the desk.

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1817, substituted earlier today by Member of the Assembly Paulin, Assembly Print Number 10591, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 180th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1819, by Senator Marcellino, Senate Print 7977, an act to amend the Education Law and the Administrative Code of the City of New York.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1820, by Senator Alesi, Senate Print 7986A, an act authorizing the conveyance of several

parcels.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 8. This act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1821, by Senator Saland, Senate Print 7988, an act authorizing the Town of Wappinger, Dutchess County.

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

Read the last section.

THE SECRETARY: Section 9. This act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1822, by Senator Bonacic, Senate Print 8006A, an act to amend Chapter 172 of the Laws of 2002 amending the Public Authorities Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1823, by Senator Bonacic, Senate Print 8007, an act to amend Chapter 915 of the Laws of 1982 amending the Public Authorities Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1824, by Senator Coppola, Senate Print 8010, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

(Applause.)

THE SECRETARY: Calendar Number 1825, by Senator Larkin, Senate Print 8033, an act to remove from the Albert Wisner Memorial Public Library.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1826, by Senator Maziarz, Senate Print 8054, an act to amend the State Finance Law.

ACTING PRESIDENT YOUNG: Read the

last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Coppola, to explain your vote.

SENATOR COPPOLA: Madam President, I rise to explain my vote.

I want to first thank Senator Maziarz for his long and diligent work on this issue.

The Niagara Falls Casino is in the City of Niagara Falls, in my district. And as many of you probably know, it's been a long and difficult process for them to receive the funding that they so deserve and the benefits that they were supposed to get from the casino revenues in their city.

Currently, there's long negotiations going on for an MOU that hopefully would release the funding for the last two years that they haven't seen. But what this bill does is it sets up a mechanism

so that we don't have to go through this process anymore.

I've stated before in this chamber that the casinos were supposed to benefit the local communities in which they're located. Currently, the Niagara Falls community is not getting the benefits that they were supposed to receive from this revenue. They are struggling each and every day in order to get that money through to them.

So again, I want to thank Senator Maziarz and others for their work on this bill. And hopefully we won't be back discussing this again because this will finally settle it in the long term.

Thank you very much. I vote yes.

ACTING PRESIDENT YOUNG: Thank you, Senator Coppola. You will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number

1827, substituted earlier today by Member of the Assembly Magee, Assembly Print Number 11554, an act to amend the General Business Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1828, by Senator DeFrancisco, Senate Print 8068, an act to amend the Real Property Law and the Real Property Actions and Proceedings Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1829, by Senator Meier, Senate Print 8078, an act to authorize the County of St. Lawrence.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1830, by Senator Little, Senate Print 8098, an

act to amend the Penal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1831, by Senator Libous, Senate Print 8111, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce

the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1833, by Senator Volker, Senate Print 8135, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1834, by Senator Marcellino, Senate Print 8139, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Serrano recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1835, by Senator Spano, Senate Print 8158, an act to amend the Real Property Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 60th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

Senator Hassell-Thompson, to explain her vote.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

Today I seem to be rising often. But in this case, I rise to commend -- and that's in question marks -- but I rise to commend Senator Spano on this bill, and I appreciate his including me on this bill. And I am supporting it.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Hassell-Thompson. You will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1836, by Senator Little, Senate Print 8162, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1837, by Senator Trunzo, Senate Print 8168, an act to amend the Executive Law and the State Finance Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 27. This act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1838, by Senator Fuschillo, Senate Print 8169, an act in relation to permitting.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1839, by Senator Fuschillo, Senate Print 8170, an act to amend the General Business Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as a chapter of the Laws of 2006.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce

the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1842, by Senator Young, Senate Print 8184, an act to direct the assessors in certain counties.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 10. This act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1844, by Senator Maziarz, Senate Print 8202, an act to incorporate.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 8. This act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1854, by Senator Marchi, Senate Print 4782 --

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

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

THE SECRETARY: Calendar Number 1868, by Senator Morahan, Senate Print 6676, an act to amend the General Municipal Law.

ACTING PRESIDENT YOUNG: Read the last section.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT YOUNG: The bill is laid temporarily.

That completes the reading of the noncontroversial calendar.

SENATOR SKELOS: Madam President.

ACTING PRESIDENT YOUNG: Senator Skelos.

SENATOR SKELOS: I believe there are substitutions at the desk. If we could make them at this time.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: In relation to Supplemental Calendar Number 59A, on page number 1, Senator Fuschillo moves to discharge, from the Committee on Rules, Assembly Bill Number 699B and substitute it for the identical Senate Bill Number 784B, Third Reading Calendar 1891.

On page number 1, Senator Alesi moves to discharge, from the Committee on Codes, Assembly Bill Number 7060A and substitute it for the identical Senate Bill Number 3978A, Third Reading Calendar 1896.

On page number 2, Senator Leibell moves to discharge, from the Committee on Rules, Assembly Bill Number 7678A and

substitute it for the identical Senate Bill Number 5041A, Third Reading Calendar 1898.

On page 2, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 8846C and substitute it for the identical Senate Bill Number 5656E, Third Reading Calendar 1900.

On page 2, Senator Rath moves to discharge, from the Committee on Rules, Assembly Bill Number 9001A and substitute it for the identical Senate Bill Number 5908B, Third Reading Calendar 1902.

On page 2, Senator Montgomery moves to discharge, from the Committee on Rules, Assembly Bill Number 6179A and substitute it for the identical Senate Bill Number 5934A, Third Reading Calendar 1903.

On page 2, Senator Alesi moves to discharge, from the Committee on Finance, Assembly Bill Number 10269 and substitute it for the identical Senate Bill Number 6919, Third Reading Calendar 1905.

On page 2, Senator Padavan moves to discharge, from the Committee on Local Government, Assembly Bill Number 10568 and

substitute it for the identical Senate Bill Number 7190, Third Reading Calendar 1906.

On page 3, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 11083 and substitute it for the identical Senate Bill Number 7501, Third Reading Calendar 1912.

On page 3, Senator Young moves to discharge, from the Committee on Rules, Assembly Bill Number 10854A and substitute it for the identical Senate Bill Number 7559A, Third Reading Calendar 1913.

On page 4, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 11513 and substitute it for the identical Senate Bill Number 7983, Third Reading Calendar 1924.

And on page number 5, Senator Flanagan moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 9598 and substitute it for the identical Senate Bill Number 8196, Third Reading Calendar 1936.

ACTING PRESIDENT YOUNG: Substitutions ordered.

Senator Bruno.

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

ACTING PRESIDENT YOUNG: Thank you.

Motions and resolutions.

The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 6120, mourning the death of Barbara Furrer Goodman, distinguished citizen and devoted member of her community.

"WHEREAS, It is with great sorrow and deep regret that this Legislative Body records the passing of Barbara Furrer Goodman, noting the significance of her purposeful life and accomplishments; and

"WHEREAS, Barbara Furrer Goodman died on June 2, 2006, at the age of 74; and

"WHEREAS, Barbara Furrer Goodman was born in Milwaukee, Wisconsin, on July 21, 1931. She graduated from the Putney School in Vermont in 1949, and received a Bachelor of

Arts degree from Radcliffe College in 1953 and a Master of Arts degree from Teachers College-Columbia University in 1954 in early childhood education; and

"WHEREAS, Her training experience included teaching at Agnes Russell Center, a West Side elementary school, and Madison Avenue Presbyterian School. She subsequently taught full-time at the Home School, affiliated with the Child Education Foundation; and

"WHEREAS, Barbara Furrer Goodman distinguished herself in her profession and by her sincere dedication and substantial contribution to the welfare of her community; and

"WHEREAS, Barbara Goodman's commitment to excellence, and her spirit of humanity, carried over into all fields of enterprise, including charitable and civic endeavors; and

"WHEREAS, Barbara Goodman became a member of the Junior League in 1955. She worked as a volunteer in hospitals and settlement houses and on other League

committees. In 1961, she was elected to the Junior League Board, became treasurer in 1964, and president from 1968-1970; and

"WHEREAS, An active alumna of Radcliffe College, Barbara Goodman served as class secretary from 1962 to 1967, and was a member of the Radcliffe Club Board from 1965 to 1967. She was also on the Radcliffe Century Fund Committee in conjunction with her work for the Radcliffe Choral Society; and

"WHEREAS, She served on the board of the Lenox Hill Neighborhood Association, Grosvenor Neighborhood House and the Committee for Young Audiences. She was on the Patrons Committee of the Metropolitan Opera Association and also served on the Major Gifts Committee of Stanford University as a parent representative; and

"WHEREAS, in 1973, Mrs. Goodman was elected a trustee of Teachers College-Columbia University, where she served on the Education Committee and was chairman of the Development and Nominating Committees. In 1980, she was elected chairman of the trustees and served in that position until 1991. She was also an

active member of the Teachers College Board; and

"WHEREAS, Barbara Goodman was the loving wife of former State Senator Roy M. Goodman, who is currently the president and CEO of the United Nations Development Corporation; and

"WHEREAS, In addition to her husband, Barbara Goodman is survived by three children and five grandchildren; and

"WHEREAS, Armed with a humanistic spirit, imbued with a sense of compassion, and comforted by a loving family, Barbara Goodman leaves behind a legacy which will long endure the passage of time and will remain as a comforting memory to all she served and befriended; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor the memory of Barbara Furrer Goodman, salute her accomplishments in bettering her community, state and nation, and to express its deepest condolences to her family; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted

to the family of Barbara Furrer Goodman."

ACTING PRESIDENT YOUNG: Senator Bruno, on the resolution.

SENATOR BRUNO: Thank you, Madam President and colleagues. You just heard the resolution describing in just a few words the life of a great, great lady, Mrs. Roy Goodman, Barbara.

Roy served here in the chamber with us, as you all know, some 33, 34 years. Barbara, you heard some description of her dedication to young people, primarily. She was dedicated to being helpful, being of service to children especially because she knew in their formative years that they needed support. She was a community activist for her adult life.

Roy Goodman was blessed in their relationship. And Barbara, you talk about a courageous lady, was on dialysis, as you may know, for years and years. And in between sessions, she never lost her upbeat, positive attitude just relating to people. She was truly a beautiful lady with a beautiful spirit.

Senator Goodman has been fortunate to have such a partner, such a wife, his children such a mother. And everyone in communities here in New York State who are beneficiaries of her dedication, her commitment, and her service to all of humanity express our condolences to Roy and to his family. And we know that Barbara is at peace and getting her reward in heaven.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Bruno.

Senator Farley, on the resolution.

SENATOR FARLEY: Thank you, Madam President.

I rise to pay tribute to Barbara Goodman. Roy Goodman, who served with us for so many, many years -- over 30 -- was truly blessed to have such a wife. A courageous woman.

I'm only going to speak to one thing. This was a lady that was on dialysis for 10, 15 years, three times a week, yet it never slowed her up. She was always there, a great mother and a great wife and somebody

that really made a difference.

Barbara Goodman was a remarkable woman. She never let her handicap of having kidney problems slow her up. And I understand the last few years she had the dialysis three time at week at home. And that's a very hard thing to live with. But she did it with grace. And she was certainly a remarkable woman and a remarkable wife.

I think everybody that serves in this chamber knows how tough it is on your spouse, no matter who -- of either sex. And they're really special, because they have to be patient, they're usually in second place sometimes. And it takes a remarkable person to be married to a senator, and Barbara Goodman certainly was that person.

ACTING PRESIDENT YOUNG: Thank you, Senator Farley.

Senator Paterson.

SENATOR PATERSON: Thank you, Madam President. And I'd like to thank the Majority Leader and everybody here for taking a moment out to honor Barbara Goodman.

She, in addition to her

relationship with Senator Goodman, was very involved in a lot of his work, particularly in philanthropy and the arts and had a great appreciation. They were contributors together to a lot of causes, enlightening all of us on the great artistry and innovation, and in an area that we feel is not featured enough in our educational system, in our school system. And they were both, and Senator Roy Goodman continues to be, an advocate for the arts.

In addition, Barbara was involved with support for the New York Public Library and talked about these issues not only personally with people when you'd see her, but assisted in the opening of many libraries. And just a person who, in spite of her own personal challenges and a ten-year illness toward the end of her life, continued her service as a really outstanding citizen of New York State.

And we certainly mourn her passing and extend our best wishes to the Goodman family and to our former colleague, who I kind of miss around here. My vocabulary definitely was improved just sitting around listening to

Senator Goodman.

And it was unfortunate for him that he's had this loss at this time in his life. But as colleagues of his and as friends of his, we all want to send the entire Goodman family our best wishes.

ACTING PRESIDENT YOUNG: Thank you, Senator Paterson.

Senator Golden, on the resolution.

SENATOR GOLDEN: Thank you, Madam President.

It's been so eloquently stated here by our leader and by others how great Barbara and the great Senator Goodman were, not only to each other as a couple but to what they were able to do for our city and our state.

They entertained kings and queens and presidents from other nations. They entertained the presidents of this nation four or five times, bringing them into the city of New York and working with them and working towards enhancing the arts world in the city and state of New York.

They worked with Carnegie Hall and Lincoln Center, the conservancy. They worked

with the Central Park and others to enhance their capabilities and to be able to bring arts to other people and all the people that would visit us from around the world.

He worked with the City Council and the State Assembly here and the State Senate here and was able to bring many dollars into the communities of the city of New York. He worked for education and public safety, and he made the quality of life for those living in the city and the state of New York that much better.

The passing of Barbara and his own sickness has really took a turn for the worse for him. Our prayers go out to him and his family and to Barbara that she is upstairs looking down on him right now and praying for his own safety.

Mr. Goodman was a great senator and a great family man and a great man, and Barbara will be truly missed by him and by many here in the city and state of New York.

ACTING PRESIDENT YOUNG: Thank you, Senator Golden.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. On the resolution.

I'm very honored to represent the district that Senator Goodman represented so well for 33 years. And I had the opportunity to visit with him and his wife quite a few times both before I even entered the field of politics and since I became the senator serving the district. And Senator Goodman and I have had many opportunities to talk about issues for our district in the last few years.

And people have spoken very eloquently about his wife. And I would also just like to, for the record, say what a valuable contribution the Goodman family made to the city of New York, to the people of New York all these years, and that Mrs. Goodman, while she was less in the limelight than her husband, was always there advocating for important issues, was well known and well loved in our district.

And I also want to wish my very best to his family on this loss. I know that it is an enormous one for him and their children and grandchildren, and am very

pleased that the Senate would take a few moments from our deliberations today to show our respect for Senator Goodman and his family on the loss of his wife, Barbara.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Krueger.

Senator Maltese.

SENATOR MALTESE: Yes, Madam President, I rise to join in this resolution of sorrow and loss and repeat what my predecessors who have spoken today have said.

And knowing Barbara as Roy's wife, it's hard to think of Roy without Barbara by his side. In all the contact we have had in the past years, in these many years, with our own wives present and with Barbara there, it's hard to think of Roy without her.

And we -- I know that as we spent time together with Barbara, whether it was official functions or at times of joy and at times of official functions and nonofficial functions, she always remained completely joyful. And in recent years, thinking of the burden that she had to bear in sorrow and

illness, she still always had a smile, always happy, always pleased. It's hard to believe that we will now, in the future, have to contemplate Roy without Barbara.

She had many wonderful qualities, and among them was her endearing charm, her ability to look at the bright side of things, her ability to put up with all of us as colleagues of Senator Goodman.

And I join my Senate colleagues in not only extolling her virtues but bemoaning our loss.

ACTING PRESIDENT YOUNG: Thank you, Senator Maltese.

Senator Johnson, on the resolution.

SENATOR JOHNSON: Yes, Madam President. I'd like to express my condolences to Roy and the family.

We knew Roy very well, of course, serving about 30 years with him. He was a delight at every luncheon. And every time we happened to go out for a drink or a meal, Roy had a list of jokes and he kept everybody rolling in the aisles. He was really an exciting and interesting person.

And as David Paterson said, he taught him a few new words in the English language, which was a function he did for all of us.

I think I look forward every year to receiving the Christmas card from the family and seeing the beautiful children. And raising up over the years his children, his grandchildren, I always felt a part of that family.

Last year, Roy and Barbara celebrated their 50th wedding anniversary. And I introduced the resolution here and you all voted for it, and I had the opportunity earlier this year to present that to Roy and Barbara in the city. Together with a gathering of 50 or 60 of their friends, we made the presentation of the 50th anniversary resolution of their wedding.

And it was really nice to see Barbara. She was still moving around pretty well then. Roy -- they all had little problems, but they were together and they were happy with their friends and we celebrated that anniversary with them. And it made me

feel good and I'm sure it made all of you feel good to know that you were one of the sponsors of that resolution of their 50th anniversary.

So we celebrate their life and we mourn Barbara's death, and we wish Roy and the family all the best.

Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator Johnson.

Our deepest sympathies with are with our former colleague, Senator Roy Goodman, and the entire Goodman family.

All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, can we open up this resolution to the floor. And anyone that would prefer not to have their name added, just step up privately and let the

desk know.

Thank you, Madam President.

ACTING PRESIDENT YOUNG: Yes, Senator Bruno. Any Senator not wishing to be on the resolution please notify the desk.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe Resolution Number 6150 was passed in this house earlier today. I would ask that you at this time recognize the sponsor, Senator Connor.

ACTING PRESIDENT YOUNG: Senator Connor.

SENATOR CONNOR: Thank you, Madam President. Thank you, Senator Bruno.

This resolution commemoratives the untimely passing of a former senator and a predecessor of mine, Paul Bookson. Paul served in the State Senate from 1965 to 1974.

And last September he was in court practicing law -- he's a retired judge -- and actually was in the courtroom where my wife works, and left for lunch and, crossing the street outside of the courthouse, was hit by an automobile and killed.

Paul Bookson, after he served in the State Senate -- and my other predecessor, Carol Bellamy, actually defeated him in a primary in a redistricting before the 1974 election year combined the two districts. That's how I come to represent the Lower East Side as well as part of Brooklyn.

And he then, a year later, ran for the Civil Court in the City of New York, was elected, served for quite a few years, I guess from -- that would be 1975 until his retirement, served for many years as an acting Supreme Court justice.

After his retirement at age 70, he then served as a judicial hearing officer and was also with the firm of Herzfeld & Rubin, practicing law.

One of the things that Paul did when he was on the bench and after was he was president of the historic Eldridge Street Synagogue on the Lower East Side, the synagogue that was built -- one of the first, I guess, Rumanian synagogues in America, Eastern European synagogues, and is being restored. A very beautiful building, it's a

national historic site. And it still is a synagogue. And it's under restoration back to its 19th century grandeur. And it was quite a beautiful building, built to be a synagogue.

Paul was president of that congregation, worked very hard, was instrumental in getting the Friends of the Eldridge Street Synagogue formed some years ago, who have gone on and raised literally millions of dollars toward the restoration.

So I would ask all my colleagues to join in sponsoring this resolution mourning the passing of Paul Bookson and transmitting the resolution to his wife and three daughters.

So thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Connor.

Our condolences to Senator Bookson's family. This resolution was previously adopted today.

SENATOR CONNOR: Madam President.

ACTING PRESIDENT YOUNG: Senator Connor.

SENATOR CONNOR: Yes, if we could

open it up for sponsorship by all the members of the Senate, I think Senator Bookson's family would appreciate that.

Thank you.

ACTING PRESIDENT YOUNG: Senator Bruno, may we open this up to the entire membership?

SENATOR BRUNO: Madam President, please open up the resolution as the sponsor requests.

ACTING PRESIDENT YOUNG: Thank you, Senator Bruno.

Any member not wishing to be on the resolution please notify the desk.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time take up the controversial reading of the calendar.

ACTING PRESIDENT YOUNG: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1012, by Senator Seward, Senate Print 7104, an act to amend the Insurance Law.

SENATOR LIZ KRUEGER:

Explanation.

ACTING PRESIDENT YOUNG: Senator Seward, an explanation has been requested.

SENATOR SEWARD: Certainly, Madam President.

This legislation would permit all health insurers in New York State to offer high-deductible health plans which are coupled with health savings accounts.

Now, currently state law specifically prohibits high-deductible plans and HSAs from being offered by HMOs or in the individual market. It's only commercial plans and non-HMO carriers are currently able to offer these types of policies.

Now, these high-deductible plans coupled with HSAs generally cost an average, it's estimated, of close to 40 percent less than traditional policies. And obviously by offering this option is an opportunity to help us reduce the nearly 3 million New Yorkers who do not currently have health insurance.

Now, it's important to point out that these policies will not be attractive to everyone. It is important, however, to

provide, I think, one more option for employers and employees to choose who currently just simply cannot afford health insurance policies.

So this bill, in a nutshell, would just offer one more consumer choice by giving employers and their workers more flexibility when it comes to choosing the appropriate health insurance coverage for themselves and their loved ones.

ACTING PRESIDENT YOUNG: Thank you, Senator Seward, for that explanation.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. If the sponsor would please yield.

ACTING PRESIDENT YOUNG: Senator Seward, do you yield?

SENATOR SEWARD: Certainly, Madam President.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

Is this a variation on the bill you have passed before in this house that was

called the "Freedom Health Plan" bill? How is this different?

SENATOR SEWARD: Well, Madam President, this bill takes just one provision out of the so-called Freedom Plan which this house has passed in other years. This bill simply includes the high-deductible coupled with the HSA provisions only.

The Freedom Health Plan included the flexibility of not including all of the current health insurance mandates. That was in the old bill. And of course we also included the tax credits for small businesses were in the Freedom Plan. Now, we've passed the tax credits as part of our state budget.

But to answer your question directly, this includes only the provision dealing with high-deductible policies coupled with HSAs. It's limited to that in this particular legislation.

SENATOR LIZ KRUEGER: Thank you. Madam President, if through the sponsor would continue to yield.

ACTING PRESIDENT YOUNG: Senator, do you yield?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR LIZ KRUEGER: Through you, Madam President.

There was a recent United Hospital Fund study that showed that two-thirds of the state's nearly 3 million uninsured New Yorkers that Senator Seward referenced actually live in households earning less than 200 percent of the federal poverty level. These are low-income people.

You mentioned that you thought that this type of insurance package would allow uninsured New Yorkers to now become insured. How would people who are very low income be able to afford high-deductible insurance policies?

SENATOR SEWARD: Well, Madam President, it seems to me to aggressively attack this problem of these 3 million New Yorkers -- as the Senator points out, many of whom are working, they do not qualify for the Medicaid program -- I think it's important certainly for us to continue our effort on a

number of fronts, including encouraging those that are eligible to sign up for some of the fine programs we have in New York State, the Family Health Plus, Child Health Plus, and Healthy New York.

And this body has gone on record, in terms of the Healthy New York in particular, with the thought of expanding the opportunities for people to sign up for Healthy New York. That's certainly also part of the answer.

This particular legislation would be helpful by providing just one more option, one more option.

And the fact is because of the savings that come from the high-deductible policies, that savings, a portion of those savings can be placed in this health savings account to cover any medical expenses, spending up to the high-deductible level, or any office visits or medical costs that are not covered by their health insurance plan could be covered through this health savings account.

So the pool of money that goes into

the health savings account would come from the savings that are derived from these types of policies. Savings from both the employee can contribute and also the employer would receive some savings. And that would provide the resources to place into the HSAs. If that's where your question is directed, where would these resources come from to place into the HSA, it would come from the savings that these types of policies provide.

ACTING PRESIDENT YOUNG: Thank you, Senator Seward.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Madam President. If the sponsor would continue to yield, please.

ACTING PRESIDENT YOUNG: Does the sponsor yield?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

I'm not sure you did answer the last question, but I'll move on.

My point, though, for the record,

was if you are one of the 3 million New Yorkers who does not have health insurance and disproportionately is too low-income to afford even current health insurance plans for yourself, it's not clear to me how you're going to put away, say, the $2,000 for a family in high deductibles. I believe that's an estimate from the materials on your bill.

But to follow through on that, your bill memo also says that these insurance policies would be an estimated 40 percent less in cost than current insurance policies. Where is -- is that a mandate that a health insurance company offering this policy would have to come in at least 40 percent lower than some statewide average? Where does that number come from, or how is it mandated?

SENATOR SEWARD: Well, Madam President, obviously it's an estimated number that comes from the experience that we've had in -- these types of policies are being offered to a segment of the market currently. In the commercial plans and in the non-HMO carriers currently offer these policies, and these types of savings have been the

experience from those policies that are currently being offered in New York State.

What this bill does simply is to allow HMOs and these policies to be available in the individual market. That's all we're doing under this bill is to provide this option to the entire health insurance market in New York rather than just one or segmented pieces of the market.

ACTING PRESIDENT YOUNG: Thank you, Senator Seward.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. If the sponsor would continue to yield, please, Madam President.

ACTING PRESIDENT YOUNG: Senator Seward will you yield?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR LIZ KRUEGER: Thank you.

My understanding of your bill, at least from previous discussions about the variation on the bill that was, again, slightly different, as I appreciate your

explaining, was that these health insurance providers would be able to be exempt from current mandates on types of care that are covered.

So I'll ask you, if I was -- and again, you're the Insurance chair, not a physician, I understand. But if I were a family with a child with diabetes, would you recommend I go into a plan that might not cover diabetes because they wouldn't have to under this law?

SENATOR SEWARD: Well, Madam President, this bill doesn't get into changing any of the coverages that are required under New York State law. We don't get into that. You're talking about the previous legislation.

This bill simply allows for the higher-deductible policies. That's all it changes. Which under federal law is -- the higher-deductible policies are coupled with the HSAs. So that's what the federal law says.

And that simply -- that's all we're doing here. It's that simple. We're not adjusting or changing any of the mandates or

the coverages that are currently available to people.

SENATOR LIZ KRUEGER: Madam President, if through you the sponsor would continue to yield.

ACTING PRESIDENT YOUNG: Does the sponsor yield?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT YOUNG: The Senator yields.

SENATOR LIZ KRUEGER: So just to clarify what I think I just heard you say, unlike your previous bill, in this bill we would not be removing any mandated required coverage in New York State insurance law.

So this would allow insurance companies to have high-deductible health savings account models but would not allow them to cease to cover mandated coverage existing in New York State insurance law?

SENATOR SEWARD: Madam President, the Senator is correct. We're merely adjusting that deductible level and introducing HSAs to the entire health insurance market.

SENATOR LIZ KRUEGER: Madam President, on the bill.

ACTING PRESIDENT YOUNG: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I appreciate the Senator going through the details of his bill. We have dealt with a variation on this bill several times, and Senator Seward knows that I have disagreed strongly with the Freedom Health insurance bill that he's proposed.

As I understand it, in this bill it goes part of the way of his previous bill but not all the way. Although I still have to say that I will end up voting against this bill, because I still think it's a flawed model.

And as you read literature coming out of national studies, just going on the Internet today I found any number of brand-new studies of high-deductible insurance policies and health savings accounts. And what has been found is that while it is a reasonable model perhaps for people who are healthy and wealthy, it actually ends up not being a very good model for people who may have illness in

their households or who are low-income.

And again, when we're talking about trying to address uninsured people, I think we really are talking about disproportionately lower-income New Yorkers and New Yorkers who have sick family members or chronically ill family members.

And so even there, under the Senator's analysis, since it would just put another option out there on the table, maybe an option that only healthy and wealthy people might choose to have -- and you could ask the question, well, then, why not? If it's an insurance model and perhaps only healthy and wealthy people will choose it, why not allow that in the market?

And I'd say that my concerns tie into the fact that, one, if it's an employer-based model, the employer might choose it for their employees as the only option available, an option that many of their employees would not be able to afford. And in fact we could see as an outcome of this even more New Yorkers not being eligible for health insurance because the only plan they might

have available to them is the plan their employer offers, and the only plan their employer might offer is a high-deductible health savings account model. Which, again, might work for you if you're healthy and wealthy, but not for everyone else.

So I worry that we actually might find ourselves, as has been found in other states around the nation that have gone down this road, with actually more uninsured people rather than less uninsured people.

I also think that there's a fundamental issue of when you start to offer one set of options out there that insurance companies see as perhaps being a higher win for them, that everyone will start to default to that model. That if they can default to a model where they make higher premium rates for themselves and have to pay out less because in a health savings account/higher-deductible scenario, you the insuree end up paying so much of it yourself, that insurance companies in New York State may start to go down the road of doing away with other insurance policy offerings that they have that have been

effective and affordable for New Yorkers. When I believe that the projected numbers, based on national studies, are that this type of program would not be affordable to the vast majority of New Yorkers.

And just, again, because part of this model allows you to have a tax deduction for putting your money into a health savings account, if you're in the 35 percent tax range, you'd save 35 cents per dollar on your taxes. If you're a working poor person without health insurance who tried to go down this road but was in the 10 percent tax range, you'd only save 10 percent.

Or if you were one of the many poor New Yorkers -- in fact, even poor New Yorkers who are working -- who don't owe anything in income taxes because their income is so low in relationship to their expenses, they would have no win, although they would find themselves in a situation where they might put off going to doctors because they couldn't afford the deductibles, they weren't able to invest in the health savings account to pay for illnesses, and they would end up sicker

than under current scenarios because they would have put off going to doctors at all because they might end up in this kind of plan versus the other plans that are currently available in New York State.

I know that Senator Seward and I do agree that we have a desperate need to make sure that New Yorkers have access to health insurance. And I know that he and I also agree that we would like to have it be the lowest cost possible for the greatest number of people. And I do appreciate that he made some changes to this bill.

But again, I think that the research is pretty solid out there that going down the road of high-deductible plans with health savings accounts attached is not the right answer for the people of New York or the State of New York. And while I encourage him to continue to explore new models to expand eligibility for health insurance, and to try to keep the costs reasonable, I think this is the wrong way to go.

And I hope my colleagues who have been concerned about the Freedom Plans in the

past will see this bill as a variation on the same bill and also share with me their concerns that this isn't the right answer for New York State.

I'll be voting no. Thank you, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Krueger.

Any other Senator wishing to be heard?

Then the debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 6. This act shall take effect January 1, 2007.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1012 are Senators Andrews, Connor, Coppola, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, L. Krueger, Montgomery, Onorato, Oppenheimer,

Paterson, Sabini, Sampson, Savino, Schneiderman, Serrano, A. Smith, M. Smith and Stavisky.

Absent from voting: Senator C. Kruger.

Ayes, 40. Nays, 21.

ACTING PRESIDENT YOUNG: The bill is passed.

That concludes the controversial reading of the calendar.

Senator Morahan.

SENATOR MORAHAN: Thank you, Madam President. Could we now have the noncontroversial reading of Supplemental Calendar 59A.

ACTING PRESIDENT YOUNG: We will now have the noncontroversial reading of Supplemental Calendar Number 59A.

SENATOR MORAHAN: I'll make an announcement at this time, just so the members know that at 5:30 we're going to recess for about an hour and then come back. If we haven't finished this supplemental calendar, we'll come back at that time.

ACTING PRESIDENT YOUNG: Thank

you, Senator.

The Secretary will read.

THE SECRETARY: Calendar Number 1890, by Senator Padavan, Senate Print 545, an act to amend the Penal Law.

ACTING PRESIDENT YOUNG: Could we have some order in the chamber, please.

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1890 are Senators Diaz, Duane, Gonzalez, and Serrano.

Ayes, 58. Nays, 4.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1891, substituted earlier by Member of the Assembly Pheffer, Assembly Print Number 699B,

an act to amend the Insurance Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of January next succeeding.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1892, by Senator Padavan, Senate Print 2181A, an act to amend the General Business Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce

the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1893, by Senator Meier, Senate Print 2319, an act to amend the Tax Law.

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

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of a sales tax quarterly period.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1894, by Senator Padavan, Senate Print 3484A, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 17. This act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1895, by Senator Volker, Senate Print 3912A, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1896, substituted earlier by Member of the Assembly Carrozza, Assembly Print Number 7060A, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1897, by Senator Farley, Senate Print 4744A, an act to amend the Banking Law and others.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 5. This act shall take effect February 1, 2007.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Farley, to explain your vote.

SENATOR FARLEY: Just to explain my vote, Madam President.

This is a piece of legislation that has been editorialized throughout the state by the Daily News and many other papers on deed theft. I know that Senator Krueger was very interested in this. And so many Senators have asked about this legislation.

And it's a positive piece of legislation that prevents deed theft. And I'm pleased to have the support of this house on this bill.

Thank you.

ACTING PRESIDENT YOUNG: Thank you, Senator Farley. You will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1898, substituted earlier by Member of the Assembly Stevens, Assembly Print Number 7678A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1900, substituted earlier by the Assembly Committee on Rules, Assembly Print Number 8846C, an act to amend the Public Health Law and the Public Authorities Law.

ACTING PRESIDENT YOUNG: Read the

last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1902, substituted earlier by the Assembly Committee on Rules, Assembly Print Number 9001A, an act to amend the Public Health Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1903, substituted earlier by Member of the Assembly Benjamin, Assembly Print Number 6179A, an act to amend the General Business Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1904, by Senator DeFrancisco, Senate Print 6709, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1905, substituted earlier today by Member of the Assembly Sweeney, Assembly Print Number 10269, an act in relation to redistributing.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1906, substituted earlier by Member of the Assembly Rivera, Assembly Print Number 10568, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1907, by Senator Wright, Senate Print 7199A, an act to amend the General Municipal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1911, by Senator Hannon, Senate Print 7491A, an act to authorize the Mental Health Association of Nassau County.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1912, substituted earlier by Member of the Assembly Nolan, Assembly Print Number 11083, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 3. This act shall take effect September 1, 2006.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1913, substituted earlier by Member of the Assembly Magee, Assembly Print Number 10854A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1915, by Senator Meier, Senate Print 7660A, an act to amend the Social Services Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 13. This act shall take effect on the 120th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1916, by Senator Maltese, Senate Print 7666,

an act to amend the Public Authorities Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1917, by Senator LaValle, Senate Print 7674A, an act to authorize the Commissioner of Environmental Conservation.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce

the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1918, by Senator Spano, Senate Print 7818C, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1919, by Senator Meier, Senate Print 7889, an act to amend the Penal Law and others.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 13. This act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1920, by Senator Balboni, Senate Print 7893, an act to amend the Penal Law and the Criminal Procedure Law.

SENATOR MONTGOMERY: Lay it aside.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 1922, by Senator Meier, Senate Print 7968A, an act to amend the Highway Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1923, by Senator Marchi, Senate Print 7970, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 14. This act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1924, substituted earlier today by Member of

the Assembly Kolb, Assembly Print Number 11513, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1925, by Senator Bonacic, Senate Print 8005A, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1926, by Senator Johnson, Senate Print 8083, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first day of a sales tax quarterly period.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1927, by Senator Johnson, Senate Print 8085, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1928, by Senator Fuschillo, Senate Print 8124, an act to amend the General Business Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1929, by Senator Leibell, Senate Print 8144, an act to amend the Public Authorities Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1930, by Senator Hannon, Senate Print 8145, an act to amend the New York State Medical Care Facilities Finance Agency Act.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1931, by Senator Little, Senate Print 8164, an act to legalize, validate, ratify and confirm.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1932, by Senator Saland, Senate Print 8171A,

an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays, 1. Senator LaValle recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1933, by the Senate Committee on Rules, Senate Print Number 8177A, an act to amend Chapter 509 of the Laws of 2003.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1935, by Senator Libous, Senate Print 8190, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1936, substituted earlier today by Member of the Assembly Diaz, Assembly Print Number 9598, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1937, by Senator Bruno, Senate Print 8205, an act to amend the Highway Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1938, by Senator Johnson, Senate Print 8231, an act to amend the Civil Practice Law and Rules.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Valesky recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1940, by Senator Hannon, Senate Print 8323, an act to amend the Public Authorities Law and the Public Health Law.

ACTING PRESIDENT YOUNG: Read the

last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce not to answer.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

Senator Morahan, that completes the noncontroversial reading of Senate Supplemental Calendar 59A.

SENATOR MORAHAN: Thank you, Madam President. Could we now have the controversial reading of the same supplemental calendar. I believe there's one lay-aside on the floor.

ACTING PRESIDENT YOUNG: Thank you, Senator Morahan.

The Secretary will read.

THE SECRETARY: Calendar Number 1920, by Senator Balboni, Senate Print 7893, an act to amend the Penal Law and the Criminal

Procedure Law.

ACTING PRESIDENT YOUNG: Senator Montgomery.

SENATOR MONTGOMERY: A brief explanation.

ACTING PRESIDENT YOUNG: Senator Balboni, a brief explanation has been requested.

SENATOR BALBONI: The bill goes out to the gangs. Thanks.

(Laughter.)

ACTING PRESIDENT YOUNG: Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you, Madam President.

I do want to say that this bill is very, very different from the bill that has been touted with all kinds of draconian measures. And so I wanted to compliment my colleague Senator Balboni and Assemblyman Rivera, because they have, I think, listened to those of us who have tried, to whatever extent possible, to have some balance to this movement around gangs, especially as it relates to those so-called gangs that are made

up primarily of teenagers in neighborhoods across the state.

And I would hope that we would continue in this vein, that while we certainly need to have some intervention anytime that there is criminal activity that is very disruptive and dangerous and poses a threat to the safety of citizens, we also must, I think, pay much more attention and put much more resources into those activities that divert young people in particular, especially teenagers, from that kind of behavior into more positive and constructive-type activities.

So I just did want to make a comment on this legislation that it is not as bad as I had anticipated it might be, that we have -- that I think that my colleagues have listened, and I look forward to continuing to work with them. And therefore, I'm going to vote to support this legislation.

ACTING PRESIDENT YOUNG: Senator Sabini.

SENATOR SABINI: Thank you, Madam President. On the bill very briefly.

I want to compliment the sponsor for once again addressing the problem of gang activity in our neighborhoods, which is something that's concerned me and a number of elected officials, particularly in areas where gangs have come in from outside the country to try and take over neighborhoods.

And I want to also compliment the sponsor on his amazingly brief explanation.

Thank you. I vote aye.

ACTING PRESIDENT YOUNG: Thank you, Senator Sabini.

Any other Senator wishing to be heard?

Then the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Balboni, to explain his vote.

SENATOR BALBONI: Yes, Madam President. This debate went a lot better than yesterday's. I think I found the right measure. Thank you. I vote aye.

ACTING PRESIDENT YOUNG: I agree, Senator Balboni. You will be recorded in the affirmative. Thank you.

The Secretary will announce the results.

THE SECRETARY: In relation to Calendar Number 1920, voting in the negative: Senator Duane.

Absent from voting pursuant to Rule 9: Senators Sampson, Skelos and Volker.

Absent from voting: Senator C. Kruger.

Ayes, 57. Nays, 1.

ACTING PRESIDENT YOUNG: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: If we can just stay the way we are for the next 10 minutes or so. We're going to have a Rules meeting at 5:15.

That Rules report will be back to

the chamber, and we'll vote on accepting those Rules, and then we'll adjourn at 5:30 until 6:30, and then we'll be back to vote on the remaining calendar.

ACTING PRESIDENT YOUNG: Thank you, Senator Morahan.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 5:03 p.m.)

(Whereupon, the Senate reconvened at 5:43 p.m.)

ACTING PRESIDENT GOLDEN: Senator Leibell, you ready?

SENATOR LEIBELL: Yes, Mr. President.

May we please return to the reports of standing committees. I believe there's a report of the Rules Committee at the desk.

ACTING PRESIDENT GOLDEN: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 567A, by Senator

DeFrancisco, an act to amend the Village Law;

2747C, by Senator Winner, an act to direct;

3027B, by Senator Morahan, an act to amend the Tax Law;

3803A, by Senator Leibell, an act to amend the Education Law;

5042B, by Senator Leibell, an act to make certain parents;

5962, by Senator Marchi, an act to amend the Tax Law;

6014A, by Senator Golden, an act to amend the Vehicle and Traffic Law;

6523, by Senator Breslin, an act in relation to permitting;

6593, by Senator Klein, an act to amend Chapter 617 of the Laws of 2003;

6839, by Senator DeFrancisco, an act to amend the Penal Law;

6977, by Senator Meier, an act to amend the Real Property Tax Law;

7075, by Senator Golden, an act to amend the Real Property Tax Law;

7341B, by Senator Hannon, an act authorizing;

7350B, by Senator Maziarz, an act to amend the Labor Law;

7351A, by Senator Rath, an act to establish;

7402A, by Senator Morahan, an act to amend the Vehicle and Traffic Law;

7531, by Senator Farley, an act to amend the Education Law;

7568A, by Senator Nozzolio, an act to amend Tax Law;

7710, by Senator Padavan, an act to amend the Private Housing Finance Law;

7767, by Senator Bonacic, an act to authorize;

7944A, by Senator Alesi, an act to amend the General Business Law;

7966, by Senator Saland, an act to amend the Town Law;

7973A, by Senator Young, an act to amend the Vehicle and Traffic Law;

8013A, by Senator Nozzolio, an act to amend the Vehicle and Traffic Law;

8017A, by Senator Winner, an act to amend the Public Authorities Law;

8035A, by Senator LaValle, an act

to amend the Vehicle and Traffic Law;

8105A, by Senator Flanagan, an act to amend the Not-For-Profit Corporation Law;

8116, by Senator Leibell, an act to amend the Public Authorities Law;

8117, by Senator Leibell, an act to amend the Public Authorities Law;

8121A, by Senator Flanagan, an act to authorize;

8138A, by Senator Skelos, an act to amend the Correction Law;

8198, by Senator Morahan, an act to authorize;

8203, by Senator Seward, an act to amend the Insurance Law;

8208, by Senator Flanagan, an act to amend the Judiciary Law;

8209, by Senator Libous, an act to amend the General Business Law;

8213, by Senator Wright, an act to amend the Energy Law;

8214, by Senator Marcellino, an act to amend Chapter 122 of the Laws of 2000;

8221A, by Senator Hannon, an act to authorize;

8223, by Senator Saland, an act to amend Chapter 425 of the Laws of 2002;

8224, by Senator Golden, an act to amend the Real Property Tax Law;

8244, by Senator Trunzo, an act to amend the Civil Service Law;

8247A, by Senator Bruno, an act to authorize;

8255, by Senator Padavan, an act to amend the Real Property Tax Law;

8299, by the Senate Committee on Rules, an act to amend the Retirement and Social Security Law;

And Senate Print 8313, by Senator Saland, an act to amend the Education Law.

All bills ordered direct to third reading.

ACTING PRESIDENT GOLDEN: Senator Leibell.

SENATOR LEIBELL: Move to accept the report of the Rules Committee.

ACTING PRESIDENT GOLDEN: All in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GOLDEN:

Opposed, nay.

(No response.)

ACTING PRESIDENT GOLDEN: The report is accepted.

Senator Leibell.

SENATOR LEIBELL: Mr. President, would the Senate stand at ease until 6:30, please.

ACTING PRESIDENT GOLDEN: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 5:47 p.m.)

(Whereupon, the Senate reconvened at 6:53 p.m.)

ACTING PRESIDENT YOUNG: Senator Skelos.

SENATOR SKELOS: Madam President, pursuant to Rule 9, I was required to be at a meeting of the Medicaid Fraud Joint Conference Committee and cast my vote as follows for bills on the controversial calendar: Senate Bill 7893, Calendar 1920, I vote aye.

ACTING PRESIDENT YOUNG: The record will so reflect.

Senator Volker.

SENATOR VOLKER: Madam President, pursuant to Rule 9, which I confess I guess I had a part of, I was required to be at a public hearing or meeting of the Medicaid Fraud Conference Committee and cast my votes as follows for bills on the controversial calendar: Senate Bill Number 7893, Calendar Number 1920, I vote aye.

Thank you.

ACTING PRESIDENT YOUNG: The record will so reflect.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could now take up Senate Supplemental Calendar 59B, noncontroversial.

ACTING PRESIDENT YOUNG: We will now have the noncontroversial reading of Senate Supplemental Calendar 59B.

SENATOR PADAVAN: Madam President.

ACTING PRESIDENT YOUNG: Senator Padavan.

SENATOR PADAVAN: Yes, Madam President, may I request that Calendar Number

1983, Senate Bill Print Number 8255, be starred.

ACTING PRESIDENT YOUNG: So ordered.

Senator Sampson.

SENATOR SAMPSON: Yes, Madam President. Pursuant to Rule 9, I was required to be at a public hearing of the Medicaid Fraud Conference Committee. And if I was able to cast a vote on Senate Bill 7893, it would have been aye.

ACTING PRESIDENT YOUNG: Thank you, Senator Sampson. The record will so reflect.

SENATOR SAMPSON: Thank you.

ACTING PRESIDENT YOUNG: Senator Skelos.

SENATOR SKELOS: Madam President, I believe there's some housekeeping. If we could take that up at this time prior to going to the next calendar.

ACTING PRESIDENT YOUNG: Thank you, Senator Skelos.

Senator Bonacic.

SENATOR BONACIC: Thank you,

Madam President.

I'd like to move to amend Senate Bill Number 7351A, on behalf of Senator Rath, by striking out the amendments made on June 19th and restoring it to its original Print Number 7351.

ACTING PRESIDENT YOUNG: So ordered.

SENATOR BONACIC: And also, on behalf of Senator Maziarz, I wish to call up Print Number 5719B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 876, by Senator Maziarz, Senate Print 5719B, an act to amend the General Business Law.

SENATOR BONACIC: Madam President, I now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT YOUNG: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

SENATOR BONACIC: Madam

President, I now offer the following amendments.

ACTING PRESIDENT YOUNG: The amendments are received.

SENATOR BONACIC: Thank you.

ACTING PRESIDENT YOUNG: Thank you.

Senator Skelos.

SENATOR SKELOS: Madam President, are there any substitutions?

ACTING PRESIDENT YOUNG: Senator Skelos, we will substitute those as they're called.

SENATOR SKELOS: Madam President, if we could take up the Supplemental Calendar 59B, noncontroversial.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1941, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 315B and substitute it for the identical Senate Bill Number 567A, Third Reading Calendar 1941.

ACTING PRESIDENT YOUNG:

Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1941, by Member of the Assembly Paulin, Assembly Print Number 315B, an act to amend the Village Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1942, by Senator Winner, Senate Print 2747C, an act to direct the Department of Economic Development.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1943, by Senator Morahan, Senate Print 3027B, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: 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 first day of the sales tax quarterly period.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1944, Senator Leibell moves to discharge, from the Committee on Education, Assembly Bill Number 877A and substitute it for the identical Senate Bill Number 3803A, Third Reading Calendar 1944.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1944, by Member of the Assembly Tokasz, Assembly Print Number 877A, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1945, by Senator Leibell, Senate Print 5042B, an act to make certain parents, widows and children of certain firefighters.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1946, by Senator Marchi, Senate Print 5962, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in

the same manner as Chapter 508 of the Laws of 2005.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1948, Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 9629 and substitute it for the identical Senate Bill Number 6523, Third Reading Calendar 1948.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1948, by Member of the Assembly Canestrari, Assembly Print Number 9629, an act in relation to permitting.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1949, Senator Klein moves to discharge, from the Committee on Local Government, Assembly Bill Number 9753 and substitute it for the identical Senate Bill Number 6593, Third Reading Calendar 1949.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1949, by Member of the Assembly Paulin, Assembly Print Number 9753, an act to amend Chapter 617 of the Laws of 2003.

ACTING PRESIDENT YOUNG: 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 YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1950, by Senator DeFrancisco, Senate Print 6839, an act to amend the Penal Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce

the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1951, Senator Meier moves to discharge, from the Committee on Rules, Assembly Bill Number 10250 and substitute it for the identical Senate Bill Number 6977, Third Reading Calendar 1951.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1951, by Member of the Assembly Destito, Assembly Print Number 10250, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce

the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1952, Senator Golden moves to discharge, from the Committee on Local Government, Assembly Bill Number 4360A and substitute it for the identical Senate Bill Number 7075, Third Reading Calendar 1952.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1952, by Member of the Assembly Weprin, Assembly Print Number 4360A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce

the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1953, by Senator Hannon, Senate Print 7341B, an act authorizing.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1957, by Senator Farley, Senate Print 7531, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the

last section.

THE SECRETARY: Section 2. This act shall take effect April 1, 2007.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1958, Senator Nozzolio moves to discharge, from the Committee on Rules, Assembly Bill Number 10859A and substitute it for the identical Senate Bill Number 7568A, Third Reading Calendar 1958.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1958, by Member of the Assembly Magee, Assembly Print Number 10859A, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: Read the

last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: In relation to Calendar Number 1958: Ayes, 61. Nays, 1. Senator Young recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1959, by Senator Padavan, Senate Print 7710, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce

the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1960, by Senator Bonacic, Senate Print 7767, an act to authorize the Village of Sidney, County of Delaware.

ACTING PRESIDENT YOUNG: 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 YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1962, by Senator Saland, Senate Print 7966, an act to amend the Tax Law.

ACTING PRESIDENT YOUNG: There is

a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1965, by Senator Winner, Senate Print 8017A, an act to amend the Public Authorities Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1967, Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 10774A and substitute it for the identical Senate Bill Number 8105A, Third Reading Calendar 1967.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1967, by Member of the Assembly Weisenberg, Assembly Print Number 10774A, an act to amend the Not-For-Profit Corporation Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1968, by Senator Leibell, Senate Print 8116, an act to amend the Public Authorities Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1969, by Senator Leibell, Senate Print 8117, an act to amend the Public Authorities Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1970, Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 11293B and substitute it for the identical Senate Bill Number 8121A, Third Reading Calendar 1970.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1970, by Member of the Assembly Englebright, Assembly Print Number 11293B, an act to authorize the Three Village Historical Society.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1971, by Senator Skelos, Senate Print 8138A, an act to amend the Correction Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill

is passed.

THE SECRETARY: Calendar Number 1972, by Senator Morahan, Senate Print 8198, an act to authorize.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce not to answer.

THE SECRETARY: In relation to Calendar Number 1972, those recorded in the negative are Senators Bonacic, Larkin and Rath.

Ayes, 59. Nays, 3.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1973, by Senator Seward, Senate Print 8203, an act to amend the Insurance Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1974 --

SENATOR SKELOS: Please lay it aside temporarily.

ACTING PRESIDENT YOUNG: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1976, by Senator Wright, Senate Print 8213, an act to amend the Energy Law and the Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1977, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 11305 and substitute it for the identical Senate Bill Number 8214, Third Reading Calendar 1977.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1977, by Member of the Assembly O'Donnell, Assembly Print Number 11305, an act to amend Chapter 122 of the Laws of 2000, amending the Environmental Conservation Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to Calendar Number 1974.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1974, Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 11763A and substitute it for the identical Senate Bill Number 8208, Third Reading Calendar 1974.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1974, by the Assembly Committee on Rules, Assembly Print Number 11763A, an act to amend

the Judiciary Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1978, by Senator Hannon, Senate Print 8221A, an act to authorize.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 60. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1979, by Senator Saland, Senate Print 8223, an act to amend Chapter 425 of the Laws of 2002.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to Calendar Number 1955.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 1955, by Senator Rath, Senate Print 7351, an act to establish.

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

Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1980, Senator Golden moves to discharge, from the Committee on Rules, Assembly Bill Number 11797 and substitute it for the identical Senate Bill Number 8224, Third Reading Calendar 1980.

ACTING PRESIDENT YOUNG: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1980, by the Assembly Committee on Rules, Assembly Print Number 11797, an act to amend the Real Property Tax Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1981, by Senator Trunzo, Senate Print 8244, an act to amend the Civil Service Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1982, by Senator Bruno, Senate Print 8247A, an act to authorize an extension.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1984, by the Senate Committee on Rules, Senate Print Number 8299, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 1985, by Senator Saland, Senate Print 8313, an act to amend the Education Law.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT YOUNG: The bill is passed.

That completes the reading of Supplemental Calendar 59B.

Senator Skelos.

SENATOR SKELOS: Madam President, is there any further business at the desk at this time?

ACTING PRESIDENT YOUNG: No, there isn't.

SENATOR SKELOS: For the benefit of the members, there will be a meeting of the Rules Committee in the Majority Conference Room at 7:30. We will then take the report of the Rules Committee, not bring it up for a vote, and adjourn.

And I'm not making a formal motion yet, but session tomorrow will be at 11:00 a.m.

So if we could stand at ease, and there will be a meeting of the Rules Committee at 7:30 p.m.

ACTING PRESIDENT YOUNG: The Senate will stand at ease.

There's a meeting of the Rules

Committee at 7:30.

(Whereupon, the Senate stood at ease at 7:17 p.m.)

(Whereupon, the Senate reconvened at 7:51 p.m.)

ACTING PRESIDENT STACHOWSKI: Senator Skelos.

SENATOR SKELOS: If we could return to reports of standing committees, there's a report of the Rules Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT STACHOWSKI: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 2522A, by Senator Krueger, an act to authorize;

7352A, by Senator Saland, an act to amend the Penal Law;

8148, by Senator Skelos, an act to amend the Retirement and Social Security Law;

8156A, by Senator Oppenheimer, an act authorizing;

8217, by Senator Little, an act to amend the Real Property Tax Law;

8218, by Senator Meier, an act to amend the Social Services Law;

8239, by Senator DeFrancisco, an act to authorize;

8240, by Senator Marcellino, an act to amend the Agriculture and Markets Law;

8242, by Senator Padavan, an act to amend the Education Law;

8263, by Senator Fuschillo, an act to amend the Penal Law;

8264A, by Senator Morahan, an act to authorize;

8266A, by Senator Wright, an act to amend the Public Authorities Law;

8268, by Senator Morahan, an act to amend the Environmental Conservation Law;

8274, by Senator Robach, an act to amend the Civil Service Law;

8276, by Senator Spano, an act to amend Chapter 761 of the Laws of 1976;

8278A, by Senator Hannon, an act to authorize;

8280, by Senator Balboni, an act to

amend the Executive Law;

8282, by Senator DeFrancisco, an act to amend the General Municipal Law;

8284, by Senator Golden, an act to amend the Penal Law;

8286A, by the Senate Committee on Rules, an act to amend the Real Property Tax Law;

8289, by Senator Maziarz, an act to amend the Labor Law;

8290, by Senator Golden, an act to amend the Penal Law;

8297A, by Senator Spano, an act to amend the Tax Law;

8302, by Senator Skelos, an act to authorize;

8305, by Senator Bonacic, an act relating to authorizing;

8311, by Senator Larkin, an act authorizing;

8328, by Senator Marcellino, an act to amend the Tax Law;

8333, by Senator Bruno, an act proposing;

8334, by Senator Bruno, an act to

amend the State Finance Law;

8338, by Senator Saland, an act to authorize;

8339A, by Senator Robach, an act to amend the Retirement and Social Security Law;

8348, by Senator Marchi, an act to amend the Workers' Compensation Law;

8362, by the Senate Committee on Rules, an act to amend the Real Property Tax Law;

8382, by Senator Spano, an act to amend the Labor Law;

8387, by Senator Rath, an act to allow;

8389, by Senator Balboni, an act to amend the Public Authorities Law;

And Senate Print 8390, by Senator Alesi, an act to provide.

All bills ordered direct to third reading.

ACTING PRESIDENT STACHOWSKI: Senator Skelos.

SENATOR SKELOS: Mr. President, I move that we accept the Rules report.

ACTING PRESIDENT STACHOWSKI: All

in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT STACHOWSKI: Opposed, nay.

(No response.)

ACTING PRESIDENT STACHOWSKI: The report is accepted.

Senator Skelos.

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

ACTING PRESIDENT STACHOWSKI: No further business.

SENATOR SKELOS: Mr. President, there being no further business to come before the Senate, I move we stand adjourned until Wednesday, June 21st, at 11:00 a.m.

ACTING PRESIDENT STACHOWSKI: On motion, the Senate stands adjourned until Wednesday, June 21st, at 11:00 a.m.

(Whereupon, at 7:55 p.m., the Senate adjourned.)