NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 5, 2007

3:09 p.m.

REGULAR SESSION

LT. GOVERNOR DAVID A. PATERSON, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

I would ask all assembled to rise and recite with me the Pledge of Allegiance.

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

THE PRESIDENT: Our invocation for the day will be offered by Rabbi Rubin, and Rabbi Rubin is from the Chabad here in Albany, New York.

RABBI RUBIN: The honorable members of the Senate assembled here represent widespread areas and districts with differing views, issues, and concerns. But crossing the disparate regions across the state, the Northway and Thruway symbolically unite us New Yorkers from Albany to Buffalo, New York City up to the Canadian border.

Indeed, last week's Northway tragedy brought together upstate and downstate concerns to build and expand vital communications.

Inspired by the Tu B'Shvat, New Year for Trees, we recite the Biblical verse

"Man is as a tree in the field," as both a statement and also as a question.

O God, grant us the vision and wisdom to balance environmental protection with vital communication to best serve the people of this great state.

Amen.

THE PRESIDENT: Thank you, Rabbi Israel Rubin, of Chabad House here in Albany, New York.

The reading of the Journal.

THE SECRETARY: In Senate, Friday, February 2, the Senate met pursuant to adjournment. The Journal of Thursday, February 1, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from

state officers.

Motions and resolutions.

Senator Bruno.

SENATOR BRUNO: Mr. President, I have a privileged resolution at the desk, Number 352. I would ask that it be read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 352, commending Donald Baker, Jr., for his courageous actions as a member of the New York State Police and his valued contributions to the community.

"WHEREAS, Within every community of the State of New York there are certain individuals who, by virtue of their commitment and dedication, command the respect and admiration of their community for their exemplary contributions and service on behalf of others; and

"WHEREAS, The quality and sanctity of community life are cherished values, worthy of safeguarding, and this Legislative Body is

moved to honor those individuals who serve to preserve and protect such values, lauding particularly their unwavering courage and dedication in the daily performance of their duties; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to commend Donald Baker, Jr., for his courageous actions as a member of the New York State Police and his valued contributions to the community; and

"WHEREAS, A 38-year-old resident of Clifton Park, New York, and a former Army medic, Donald Baker has wanted to be a New York State trooper since attending Shenendehowa High School; and

"WHEREAS, A member of the elite New York State Police Mobile Response Team, Donald Baker, Jr., was critically wounded on August 31, 2006, while tracking a fugitive from the Erie County Correctional Facility who was wanted in the shooting of another trooper; and

"WHEREAS, Members of the New York

State Police put their lives on the line every day in service to the great State of New York. It is appropriate to recognize and commend such outstanding law enforcement officers as Donald Baker, Jr.; and

"WHEREAS, With him throughout has been his wife of 15 years, Tracy, who feels privileged to be a part of his life and rejoices in his many achievements; and

"WHEREAS, It is the sense of this Legislative Body that those dedicated public servants who unselfishly devote their lives to the preservation of order and the protection of others are worthy and do full praise for that are commitment and noble endeavors; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commend Donald Baker, Jr., for his courageous actions as a member of the New York State Police and his valued contributions to the community; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Donald Baker, Jr., of Clifton Park,

New York."

THE PRESIDENT: The chair recognizes, to be heard on the resolution, our Majority Leader, Senator Bruno.

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

I rise, in respect, to honor Donald Baker, who is here with us, and his wife, Tracy. Donald Baker, as you heard, was there with Joseph Longobardo when Joseph Longobardo, Trooper Longobardo, was killed, killed by a demented coward who snuck up behind them and shot them from behind.

Donald Baker really represents, as did Joseph Longobardo, all that's good about those that put on the uniform. And they put on the uniform and every single day, every night, Sundays, Saturdays, anytime, put themselves out there to help, to support, to protect all of us and all the people who are out there who can't take care of themselves.

So we as a body thank Trooper Baker, thank Tracy, thank Teri Longobardo, who is here. And she is looking after her 18-month-old son, Louis, who is keeping her

pretty busy these days.

We are going to do another resolution honoring everyone in uniform, the second one. But we wanted to call special attention to Trooper Baker, who's gone through six operations, I believe, so far, has been in physical therapy, is now on his feet. And he's on his feet through courage, just plain guts.

And he's an ex-Army medic, he's part of, with Trooper Longobardo, the Mobile Response Unit, that is a team that goes out to meet any situation that presents itself anywhere in the state. And Trooper Baker is stationed here up in Clifton Park, out of here.

He went out west when Bucky Phillips was hiding out in the woods, and offers everyday -- and what he is working towards and getting himself back in shape for is to go back out there on that Mobile Response Team, which is the leading edge of all law enforcement throughout the troops.

So we thank you. Thank you for what you do every hour of every day, fighting

the battles against the enemy, the criminals out there that would do harm to our families, children, to everyone. So you're our first line of defense.

And your families, like Tracy and Teri, who assist you, support you, and help you do your job. Because without that kind of support, it would be pretty difficult, I would think, to be out there with the time and the energy and the efforts and everything that you have to do exposing yourself, voluntarily, to dangers such as you encountered out there.

So we thank the good Lord and thank all the good support that you've had, and all the troopers and everyone that wears a uniform in law enforcement for what you do, voluntarily. You don't have to; you could be doing other things. But you do it because that's what your heart is, that's where your spirit is.

And we know that you're going to have a speedy recovery because you are doing it all to get yourself back to where you were.

So thank you for your good works.

And thank you, Mr. President. And

thank you, colleagues.

THE PRESIDENT: On the resolution sponsored by Senator Bruno, we will now hear from Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I rise to salute you, Trooper Baker, and what you've been going through, and also your wife, Tracy.

His partner was Joseph Longobardo, who was my constituent, who was brutally murdered in a cowardly way. These two troopers, athletes, part of the most elite organization in the New York State Police, were out there on their own. Cowardly murdered.

And you know, Donald, I'm confident that Joe is up there looking out for you to make sure that you're going to have a one hundred percent recovery.

I'd also like to pay tribute to Teri, Joe's widow, who is up in the balcony with us. I think I spent one of the saddest afternoons of my life at his funeral, totally supported by the entire State Police, and all

that was said about this remarkable man, Joseph Longobardo, who was not only my constituent but a remarkable father. And to not to be able to see his child grow up, it was very, very sad.

Teri, I wish you all the very best.

And, Trooper Baker, I salute you and wish you a complete recovery. And I know that you and your family are very, very proud of what you've accomplished.

God bless you.

THE PRESIDENT: Senator Volker, on the resolution.

SENATOR VOLKER: Mr. President, I just want to be part of this resolution. I commend Senator Bruno for doing this resolution.

Some of the members have asked me what this pin is that I've worn since last year. And actually, I started wearing this pin at the time that Trooper Longobardo was killed. It is a pin that is the symbol of the loss of police officers throughout this country.

This was one of the worst years,

2006, for the loss of law enforcement people in my time. And in fact, with state troopers, it was a very tragic year. And obviously there were accidents and there was the chase. And unfortunately culminating in this terrible incident down in Western New York, actually the Southern Tier of Western New York, that involved Trooper Baker and Trooper Longobardo.

Contrary to some popular belief, I was not a trooper; I was a local police officer for a number of years. Did a lot of task forces with the State Police, which I guess is one reason why a lot of people thought I was a state trooper. I combined a number of large task forces.

My cousin was a senior investigator, Martin Hockey, in the State Police. And his son now, Michael Hockey, is a sergeant and runs a barracks in Western New York.

The only reason I mention that is I think it's important to my lifetime. I've had a number of law enforcement people that have been close to me; several who were killed. Myself, fortunately I was shot at but I was

able to avoid injury.

But I think the thing we all have to understand is that -- and this chamber is very, very sympathetic to you. And, I want to tell you, Republicans and Democrats. Please understand that. You may hear debates here about law enforcement and all those sorts of things, but there is nobody in this chamber who doesn't feel that the job that you're doing is critically important. Whether it's in Western New York, Central New York, New York City, wherever it is, I know how the people of this chamber feel. So let's make that clear.

This house has, I think, done more legislation to protect the average public than any house probably in the United States of America. But we have also done more legislation to protect law enforcement people, I am convinced, than any house in the United States of America.

And well we should. Because what you have given -- and as I said in a letter that I think I sent to you, Trooper Baker, and to Trooper Longobardo's widow, it's not just

the troopers, it's their families. You're part of this whole thing.

The fight between good and evil -- and I know this sounds a little strange, but it's true. This fight has been going on long before any of us were born here. And there are those that are willing to get out there and take the risks that are involved and the necessity of protecting not just the people of this chamber and their families but the people of this entire state.

I am proud to be in the same chamber with you. I'm proud not only to be with you, Trooper Baker, and your wife, but also the widow of Trooper Longobardo, who will not be forgotten. And when we have the memorial this year, well, certainly he will be some person who is put on the wall and so forth.

But more than that, the loss of troopers during this year will be part of our culture for as long as the people of this state feel so strongly about the necessity to protect our state.

And I can assure you that I

personally will do everything within my power to make sure that not only the State Police but all the law enforcement people in this state are protected. And before this session is over, we're going to move with a number of things to even make your life, we hope, better and to enhance the security of the law enforcement people of this state.

Thank you, and congratulations to all of you. As regrettable as it may be, what happened, you're a hero, and you'll continue to be heroes, both you, Trooper Baker, Mrs. Baker, and Mrs. Longobardo. As long as truth and justice survive, you'll be heroes.

THE PRESIDENT: Senator Young.

SENATOR YOUNG: Thank you.

I rise to, first of all, extend my deepest condolences to Teri Longobardo on the loss of your husband, and also to give my sincerest and deepest gratitude to Trooper Donald Baker.

Everyone across the state read about this past summer in the newspapers or watched it on television. In my district, that includes Chautauqua County, we lived it

every single day. We lived through the checkpoints. We lived through the lockdowns at the schools. We lived through knowing that there was someone on the loose who was extremely dangerous.

And our troopers went out every single day, and Trooper Baker and Trooper Longobardo went to work knowing that they were after a career-criminal thug, someone who had stolen an arsenal from a local gun shop, someone who was a violent cop-hater, someone who had already shot Trooper Sean Brown near Elmira, someone who they knew would harm them if he got the chance. And despite that dynamic, they still very bravely went to work every single day to protect the public, because they believed so strongly in what they were doing.

I have never seen in my life a more dedicated, committed, professional group of individuals than the state troopers while they conducted the largest manhunt in the history of New York State.

And it was very, very tough, and I know that my constituents felt so badly,

especially after the troopers were shot. We held fundraisers, benefits to raise money. Hundreds of people came because they wanted to show their appreciation for the sacrifices that you made.

So I just want to say to you, Teri Longobardo, Trooper Baker, how much we appreciate you. We hold you in the highest esteem. We salute you. And most of all, we thank you from the bottom of our hearts for protecting us.

THE PRESIDENT: Senator Winner.

SENATOR WINNER: Thank you, Mr. President.

I rise to echo Senator Young's remarks. As a representative of the Southern Tier, our districts were terrorized by the antics if not the horrific behavior and unacceptable treatment that was exhibited by Bucky Phillips to society in general and certainly to the State Police community as a whole.

That individual, you know, started his mayhem, obviously, after breaking out of the Erie County jail, but then committed that

horrible crime, attempted murder on Trooper Sean Brown in my area, coming on the heels of the horrific murder of Trooper Andy Sperr. We were horrified in our district that another assault and another attempted murder could be done on a New York State trooper.

There is no acceptable behavior that could even be attributed to an individual like that who draws the line in the sand between chaos and anarchy and law-abiding citizens and an assault on our law enforcement personnel.

And so when those dedicated troopers such as Trooper Baker came to protect us and came to apprehend that individual, I mean, they were the people that we -- we didn't know what to do except for, you know, embrace your efforts and look to you to be able to help us and be able to protect us.

Because our communities were terrorized by the behavior of this individual, who, despite the great efforts, was able to continue to elude law enforcement personnel and, you know, unbelievably in some quarters receive aid and encouragement from some

individuals, including the media, for his behavior.

And so under those circumstances, for you to be able to behave in the fashion and the professionalism that you did and still protect us and still be able to apprehend that individual and bring some peace and quiet to our neighborhoods and our communities and some effort to try to heal, well, I thank you from the bottom of my heart. And I know all of the residents of the State of New York thank you for your efforts.

And certainly our heart goes out to Teri Longobardo for the sacrifice that her family has endured. And to that extent, I can only say thank you again.

And thanks to all the members of the State Police for enduring what was just a horrendous 2006.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I want to associate myself particularly with Senator Volker's remarks and Senator Bruno's remarks and to say that our

appreciation for those officers who put their lives on the line every day for New Yorkers are perhaps the bravest people we have in this state. In fact, they are really among the only public servants that put their lives on the line every day for us.

And on behalf of our entire conference, our deepest sympathies go out to Teri Longobardo and her family and his family, and also recovery for Officer Baker and best wishes to his family. And our profound appreciation for the amazing work that has been done on behalf of all New Yorkers.

Thank you, Mr. President.

THE PRESIDENT: The question is on the resolution. All those in favor please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted, Senator Bruno.

(Extended applause.)

THE PRESIDENT: Trooper Baker, you have just listened to six of the voices of

the New York State Senate, including Leader Bruno and Senator Farley, Senator Volker, Senator Young, Senator Winner and Senator Duane. And they in many respects echo the collective feelings of all of the Senators and the thoughts of our related staff and visitors to this chamber and the caring of residents of New York all around this state.

We appreciate not only your great effort but the effort that you and your colleagues always give thinking about others other than yourself and protecting and defending the rights of New Yorkers all around this state.

Senator Farley talked about the terrible afternoon, morning and afternoon of September 12th when, very close to here, we came to bury Trooper Longobardo. At that time it was very difficult to watch his family -- his parents, his wife, Teri, also with an infant son -- and all those who came to share grief with each other and to try to find a way to aid this family.

If there was a silver lining around that dark cloud, it may have been the

collective and strong feeling that evoked from that room the prayer for Trooper Baker's recovery. I never thought that on that day in September that the trooper would be strong enough, resilient enough, and miraculously healthy enough to join us in this chamber.

We all salute the effort that you have waged. We all are happy that you and your family can be reunited. And we all mourn the passing of those who gave their lives in law enforcement in service to New Yorkers. Thank you for joining us here in the chamber today.

Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President.

I believe I have another resolution at the desk that had been previously passed, Resolution Number 263. I would ask at this time that it be read in its entirety and again move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senators Bruno and Farley, Legislative Resolution Number 263,

recognizing February 9, 2007, as "Blue Friday."

"WHEREAS, The State of New York takes great pride in participating in significant days of recognition; and

"WHEREAS, Albany radio station WGNA has teamed up with the Capital District chapter of Concerns of Police Survivors, Inc. (COPS) in recognizing February 9, 2007, as 'Blue Friday' in honor of police officers who have sacrificed their lives in the line of duty and those who are currently bravely serving communities across New York State; and

"WHEREAS, COPS, organized in 1984 with approximately 110 members, has grown into a nationwide nonprofit organization with 48 chapters throughout the United States and an affiliate in the United Kingdom. Its mission is to help rebuild the lives of survivors of law enforcement officers killed in the line of duty by serving as a clearinghouse for federal and state benefits information and resources that may be available to the surviving families; and

"WHEREAS, COPS also provides

training to law enforcement agencies on survivor victimization issues and educates the public of the need to support the law enforcement profession and its survivors; and

"WHEREAS, Each year between 140 and 160 officers are killed in the line of duty, and their families and coworkers are left to cope with the tragic loss; and

"WHEREAS, Today COPS' membership -- including spouses, children, parents, siblings, significant others and coworkers of officers killed in the line of duty -- consists of more than 12,000 families; and

"WHEREAS, February 9th is a reminder to pay tribute to those in the law enforcement community who have made the ultimate sacrifice; and

"WHEREAS, On February 9, 2007, from 6:00 a.m. to 10:00 a.m., COPS will be taking a Donation for a Carnation, selling blue carnations and special edition 'Blue Friday' T-shirts. All proceeds will go directly to COPS; and

"WHEREAS, The State of New York is eternally grateful for the service of its

brave men and women in law enforcement and applauds the efforts of COPS to assist the families of those who have made the ultimate sacrifice; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to recognize February 9, 2007, as 'Blue Friday' and to extend its heartfelt appreciation and admiration to its law enforcement officials; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to WGNA and COPS."

THE PRESIDENT: Senator Bruno.

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

We've just heard another resolution that relates to people in blue, officers like Trooper Baker, like Trooper Meltz that is here assisting him.

And when you think about what we're commemorating here, with COPS, a not-for-profit organization that helps the surviving families get reacclimated to life, the people that we're talking about -- and the

sad fact is there's 140 to 160 law enforcement people that are killed every year.

Now, all of us, when there's a commemoration, when names are added over at the monument here, hope and pray that there won't be another person. But that's what their lives are about, being prepared to make the ultimate sacrifice, as did Trooper Longobardo, as did Trooper Craig Todeschini out in the western part of the state just this past year.

And with COPS, there are a number of representatives that are here locally. And I know Station WGNA is here; they're going to be helping. DeNooyer Chevrolet is going to be helping. People like Pizzeria Uno. They're going to be raising money this Friday, these days, with blue carnations. Last year I think around here they raised about $11,000.

But when you think about 12,000 families throughout the United States that are being assisted -- and I just want to recognize here, the president of COPS is Albany Police Officer Pat Fox. And he's here with his chief, Chief Tuffey, that is here with our

very esteemed Mayor Jennings, of Albany, that hosts the Capitol and all of us here. And the vice president, Troy Police Officer Bob Fitzgerald.

And from radio station WGNA, Bob Ausfeld, regional VP; Buzz Brindle, program director; radio DJs Sean McMaster, Richie Phillips, and Casey Danton; Chris Sousis, manager; and Selena Dutcher, marketing director.

We really want to thank you for the extraordinary service that you perform on behalf of people locally and for all those throughout the United States, but especially reflecting on the service of people in blue.

All of us every minute should bear in mind that when we see people who are out there, they're out there prepared to literally put their life on the line, out of love for their neighbor and for others, each and every day. And unfortunately, too many of them get called to me that supreme sacrifice.

So, Mr. President, thank you, and colleagues, thank you. And to everyone in law enforcement, we thank you all, and God bless

you.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I also rise to speak to this resolution with Senator Bruno.

In 2005, working with WGNA, we started this organization to honor fallen police officers. And this year it's taking on a broader scope to honor everybody that serves in the police business. And I think that's very significant.

WGNA, the number-one radio station in this area, has really done a great job with this. And I'll be calling you -- incidentally, I was going to introduce all of these guys up there. You can all wave. They're all up in the balcony. And I will be calling the station to try to promote this, because on Friday we're going to see what we can do to raise even more money than we did last year.

And this is a great organization, but it honors every single police officer that serves, and especially those that have lost

their lives in the line of duty.

It's my pleasure to support this resolution and to wish everybody on Friday to thank a police officer when you see him for his service.

Thank you very much, Mr. President.

THE PRESIDENT: Senator Morahan, on the resolution.

SENATOR MORAHAN: Thank you, Mr. President.

I rise to congratulate COPS for what they do for the families of police officers, in particular those who have been slain in the line of duty.

It's particularly moving to me, in that my wife's father, a New York City police officer, in 1935, on Fifth Avenue in the Borough of New York, was killed in a holdup. My wife was 18 months old, her sister was just about 5, and her mother was in her late 20s. Her dad, who was slain, was only 29 years old, Patrolman James Killion.

I met my wife when she was 15. And as we talked about our family background, she told me when she was a little kid her mother

received $125 a month, and that was it, for the loss of their dad. There were no special programs. There were no special funds. The mother raised those two children by herself, as well as cared for her aging parents. She worked all her life.

It seems to me that had organizations like COPS and so many others that have started since -- in particular, the National Law Enforcement Association in Washington, D.C., of which my wife is a founding member -- and all of the other good organizations and benefits that now come into play, had they been available, maybe her life, my wife's -- her sister's and her mom's -- would have been totally different.

She explained to me she had difficulty going through school, didn't know -- every time she had to write down her parents, to write down where it said "Father," "deceased," she didn't know what it meant. And she didn't realize till years later how tough it was.

So I congratulate COPS for what they do. I congratulate all of our law

enforcement people for what they do to keep us safe.

And I commend all the families that stand behind our law enforcement community to give them support, and also for the anguish they face just about every day, knowing that their spouse, husband or wife, who go out to protect our community, may or may not come back. And those children of those officers who may or may not ever see their dad or know the love of a mother or father again.

So congratulations to COPS. I wish you all the best. I think this resolution recognizing your formation and all that you do is a tribute to you and a sentiment from this body.

Thank you, Mr. President.

THE PRESIDENT: This resolution was unanimously adopted on January 30th, but we thank Senator Bruno for bringing it back up at this particular time. So this resolution is already adopted.

We would therefore like to thank all of those associated with COPS for the appreciation day for all of those who serve in

the line of duty on February 9th, this coming Friday.

And we particularly thank Senator Morahan for his poignant remarks, which put this entire opportunity that we've shared this afternoon in perspective.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we offer everyone in the chamber the opportunity to join in the resolution for Trooper Baker and for this resolution, if that's possible at this date.

And anyone that would like not to be on, would you please just privately approach the desk.

Thank you, Mr. President.

THE PRESIDENT: All the members' names will be listed on this resolution. Any of those who would decide not to be may report so at the desk.

This is a procedural matter; we've never had anyone indicate that in this type of situation.

The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: And, Mr. President, I believe there is a resolution at the desk, Number 261, by Senator Golden. I would ask that its title be read. It's already been adopted.

Thank you, Senator Golden.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Golden, Legislative Resolution Number 261, commemorating the 92nd anniversary of the Boy Scouts of America.

THE PRESIDENT: Senator Golden, on the resolution.

SENATOR GOLDEN: Thank you, Mr. President.

We talked about men and women in uniform today that work hard across this state and some of them that have perished. Well, we're going to talk about another group of men and women in uniform.

And many of these young men and women in uniform go on to be police officers, military leaders, CEOs of corporations, leaders in education and physics, the medical

world. And these are our young Boy Scouts and Girl Scouts of America, who have, for the past hundred years, been a part of the fabric of this great nation. This organization was started in 1910 and given a charter by Congress in 1916.

Scouting instills values in our citizens of tomorrow, and its goal is to create citizens that are physically, mentally, and emotionally fit. And the Scout Law states that a Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent.

I have an 8-year-old who's a Cub Scout, and he can't wait to go on Monday nights.

And in this Boy Scout program that we have here in this great state and across this nation, there are almost one million young men and women, 543,000 adult volunteers, and over 50,000 teams or troops.

And this group here I'm about to introduce here, and what this legislation is all about, they not only work in this great state but they also accepted a Peace Light

from Israel, which we had here last year and again this year. And that Peace Light goes around the world. And this troop was the one that greeted it at Kennedy Airport and brought it to the State of New York.

And I'm proud here to point to these great individuals: a Cub Scout, Robert Papandrea; our Eagle Scouts, Peter Inga and Thomas Colasanto, and our Venturer, Caitlin Long, all belonging to the Troop Group 99 of St. Athanasius.

This is what our future is about. It's about getting involved with our youth and guiding them down a path that will be good for them and good for this great city and this great nation.

And I ask and open it up to all of my colleagues to make sure that they too can be part of this great resolution.

Thank you, Mr. President.

THE PRESIDENT: This resolution was unanimously adopted on Tuesday, January 30th.

And we will include all the names of Senators on the resolution unless otherwise

indicated by the members.

And we congratulate the Troop Group 99 and all concerned, and thank Senator Golden for his words and the resolution.

That completes the Resolution Calendar. And, Senator Skelos, what is your pleasure?

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

THE PRESIDENT: The Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 4, by Senator Padavan, Senate Print 84, an act to amend the Penal Law, in relation to the definition of the term "retail value."

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Ayes, 54. Nays,

1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 19, by Senator DeFrancisco, Senate Print 56, an act to amend the Penal Law, in relation to demonstrating.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 20, by Senator Padavan, Senate Print 69, an act to amend the Penal Law, in relation to seizure and forfeiture.

THE PRESIDENT: The Secretary will read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 24, by Senator Morahan, Senate Print 122, an act to amend the Penal Law and the Criminal Procedure Law, in relation to fixing sentences.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Those recorded in the negative on Calendar Number 24 are Senators Dilan, Duane, Hassell-Thompson, Montgomery, Parker and Perkins. Also Senator Huntley.

Ayes, 48. Nays, 7.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 32, by Senator Young, Senate Print 378, an act to amend the Criminal Procedure Law, in relation to eligibility.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 32 are Senators Duane, Hassell-Thompson, Huntley, L. Krueger, Montgomery, Parker, Perkins, Schneiderman, and Stewart-Cousins.

Ayes, 46. Nays, 9.

THE PRESIDENT: The bill is passed.

That completes the noncontroversial reading of the calendar.

Senator Skelos.

SENATOR SKELOS: Mr. President,

is there any further business at the desk?

THE PRESIDENT: No, there is not.

SENATOR SKELOS: There being none, I move we stand adjourned until Tuesday, February 6th, at 10:00 a.m.

THE PRESIDENT: The Senate will adjourn until Tuesday, February 6th, at 10:00 a.m., 10:00 a.m.

(Whereupon, at 3:57 p.m., the Senate adjourned.)