NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 5, 2008

3:10 p.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

ACTING PRESIDENT GRIFFO: Today's invocation will be offered by the Reverend Peter Young, from the Mother Theresa Community here in Albany.

Father Young.

REVEREND YOUNG: Thank you, Senator.

Dear God, as we gather today, we're very proud to have here our Hammond High School champions and our Siena basketball Saints. We are very fortunate to be able to welcome them, as a former graduate of Siena and former basketball captain.

We welcome all of those we are proud to be with, because we're proud of our New York State and we're proud of our elected leadership and our youth. We know that we had

winners with Van Buren, Fillmore, Arthur, Cleveland, Theodore and Franklin Roosevelt as our presidents. May we continue in the greatness of their dedication to public service to all of our citizens in New York State.

May we follow in the rich tradition of the Senators that first met in Kingston five days after the declaration of independence.

You, O God, have provided our Senators with outstanding examples to inspire those in this Senate chamber for committed service to all of our citizens. May we call upon our youth to be able to accept this leadership and to continue in that most outstanding effort.

Amen.

ACTING PRESIDENT GRIFFO: Thank you, Father.

The reading of the Journal.

THE SECRETARY: In Senate, Sunday, May 4, the Senate met pursuant to adjournment. The Journal of Saturday, May 3, was read and approved. On motion, Senate

adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Young, I wish to call up Senate Print Number 6954, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 785, by Senator Young, Senate Print 6954, an act to validate, ratify and legalize.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was

passed.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: On behalf of Senator Nozzolio, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Print Number 6978.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR FUSCHILLO: On behalf of Senator Farley, I wish to call up Senate Print Number 1562, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 231, by Senator Farley, Senate Print 1562, an

act to amend the Public Health Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR FUSCHILLO: Mr. President, amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator Golden, page number 33, Calendar Number 643, Senate Print Number 4268;

By Senator Trunzo, page number 33, Calendar Number 652, Senate Print Number 4690A;

By Senator Maltese, page number 34, Calendar Number 675, Senate Print Number 3255;

By Senator Owen Johnson, page number 39, Calendar Number 770, Senate Print

Number 7171;

By Senator Golden, page number 43, Calendar Number 825, Senate Print Number 3716.

I now move that these bills retain their place on the order of Third Reading Calendar.

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

Thank you, Senator Fuschillo.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. I'm doing it on behalf of Senator Connor. It's Senate Number 7935.

ACTING PRESIDENT GRIFFO: So ordered.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time refer back to Resolution 5617, that had been previously passed in this

chamber, and ask at this time that it be read in its entirety.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senators Bruno and Breslin, Legislative Resolution Number 5617, congratulating the Siena Men's Basketball Team and Head Coach Fran McCaffery upon the occasion of capturing the 2008 Metro Atlantic Athletic Conference Regular Season and Tournament Championships.

"WHEREAS, It is the sense of Legislative Body to acknowledge those outstanding college athletes who have distinguished themselves through their exceptional performance, attaining unprecedented success and the highest level of personal achievement; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to congratulate the Siena Men's Basketball Team and Head Coach Fran McCaffery upon the occasion of capturing the 2008 Metro Atlantic Athletic Conference

Regular Season and Tournament Championships; and

"WHEREAS, After winning a share of the Metro Atlantic Regular Season Championship, the Siena Saints Men's Basketball Team defeated Rider University, 74-53, to earn an automatic bid to the NCAA Tournament for the fourth time in school history; and

"WHEREAS, One of only two schools from the State of New York in the 65-team NCAA Tournament Field, the Siena Saints Men's Basketball Team advanced to the second round following a thrilling 83-62 upset victory over Southeastern Conference powerhouse Vanderbilt; and

"WHEREAS, The Siena Saints Men's Basketball Team finished the season with a 23-11 record, which included a 79-67 win over nationally ranked Stanford University at the Times Union Center in Albany, New York; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Head Coach Fran McCaffery and his dedicated staff, who have done a superb

job in guiding, molding and inspiring the Siena Men's Basketball Team toward their goals for the season; and

"WHEREAS, A skilled and inspirational tutor, respected for his ability to develop potential into excellence, Fran McCaffery became the 31st coach to guide three different teams into the NCAA tournament; and

"WHEREAS, From the opening game of the season to participation in the NCAA Tournament, the Siena Saints Men's Basketball Team were a brotherhood of athletic ability, good sportsmanship, honor and scholarship, demonstrating that these team players are second to none; and

"WHEREAS, The Siena Men's Basketball Team was loyally and enthusiastically supported by family, fans, friends and the community at large, and have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coach Fran McCaffery and

the outstanding athletes on the Siena Saints Men's Basketball Team have clearly made a contribution to the spirit of excellence which is a tradition at Siena College; and

"WHEREAS, It is the sense of this Legislative Body to recognize and pay tribute to those exemplary athletic teams within the State of New York that have represented the great Empire State with pride and determination and distinguished themselves through notable achievements; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor the Siena Men's Basketball Team, its members -- James Carr, Chris De La Rosa, Josh Duell, Tay Fisher, Alex Franklin, Erik Harris, Kenny Hasbrouck, Clarence Jackson, Cory Magee, Ronald Moore, Steven Priestley, Ryan Rossiter and Edwin Ubiles -- Head Coach Fran McCaffery, Assistant Coaches Mitch Buonaguro, Andrew Francis and Adam Cheskin, Director of Basketball Operations Steven Ott, and Managers Jerry Ballard, Matt DeFazio, Jimmy Halley, Alex Marinescu and Timothy McEvoy upon the

occasion of capturing the 2008 Metro Atlantic Athletic Conference Regular Season and Tournament Championships, and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Siena Men's Basketball Team and to Head Coach Fran McCaffery."

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: Mr. President, thank you; colleagues.

Coach Frank McCaffery, great to see you here with your championship team. Welcome. Welcome to the Senate chamber.

And to those that are here, we are paying tribute to outstanding athletes, outstanding young people who distinguished themselves in one of the most competitive arenas in the world -- being champs, making us in New York State and the Capital Region proud, really proud.

Mayor Jennings is beaming. You would think he was a forward there on your team, Coach. But, Mayor Jennings, you're welcome, and we're glad that we're here.

Everyone in New York State took note. You brought great honor on everybody here that was following what was going on. To win the MAAC tournament, to defeat Vanderbilt in the first playoff -- I think you were 14th seeded against the fourth seed.

Tay Fisher, Tay is the only -- where's Tay? The only -- see this fellow? He's a senior, he's going on to greater glory in the rest of his life. But in that game against Vanderbilt, six for six in the three-point-zone area. Right? That is huge. I don't think anybody in this chamber could do that. Oh. Oh, yeah, this guy right here.

(Laughter.)

SENATOR BRUNO: But truly, we're glad you're here.

And I know Senator Farley is over there beaming with pride. I believe Josh Duell, who left Vermont to transfer to Siena, lives in his district. Surprised you didn't move into mine, but it's okay. We're all together.

But truly, we are proud. We're proud. And, Fran, you just keep doing

outstanding things and just distinguishing yourself.

And each and every one of you that are on that team, many of you and most of you will be back, and you're going to be out there facing the world again. You've got to be good students or you don't get to play. And that's a credit to you, that you handled yourselves in a way that are truly role models for people that you see here and people who follow you in your careers.

So we're proud of you here in the Senate. And you want to be very proud of yourself, just as your coach is, the president of Siena, and everyone that really respects and honors what you do in your daily lives.

So thank you, and God bless you all.

ACTING PRESIDENT GRIFFO: Thank you, Senator Bruno.

Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

It's my honor to echo the remarks of Senator Bruno. Siena is located in my

district, and I've been pleased to be a season ticket holder for well over 25 years.

This year was that exceptional year. And it was an exceptional year given the fact, too, that we don't have many people who are leaving. Our only major star leaving is Tay, Tay Fisher, who as Senator Bruno said, had six three-pointers against Vanderbilt.

I will point out one mistake in the resolution. It talks about Siena upsetting Vanderbilt. And, you know, when we talk about odds, Vanderbilt may have been favored, but everybody in the Capital District and everybody on the coaching staff at Siena and everybody on the staff at Siena and every one of those players knew that Siena was going to beat Vanderbilt.

And they didn't just beat Vanderbilt, they dominated Vanderbilt. They beat them by 21 points.

This was a special group of young men, and they came together as a unit because of the coaching staff, led by Fran McCaffery. And we're so blessed to have Fran here, Fran and his family, because this is just the

beginning. This is the beginning of a long run of Siena greatness.

And it's so wonderful to have you, Fran, and your coaching staff and your athletic director, John D'Argenio, and the entire team here today to honor you.

Thank you very much, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I rise to congratulate this team and Coach McCaffery and the entire staff, and to say that the entire nation was brought to excitement because of your -- as they say, we'll call it an upset, but you actually routed Vanderbilt. And so many of us were so thrilled with your performance.

Not only is Siena a great addition to the Capital District and so forth, but the history of basketball at Siena has always been very exciting. And I think the most exciting thing is going to be next year, when Josh Duell, my constituent from Scotia, New York --

and born in Niskayuna, incidentally -- will be as a wide body there, at 6 foot 7, 252 pounds.

And let me just say, a guy with size 17 sneakers, they're not going to tip him over, I'll tell you that.

So, Josh, we're excited that you're coming back home from the University of Vermont, back home to your hometown. And we're very, very excited about what this team is going to be doing next year. Because I expect not only the first round, you're going to go right on throughout in that tournament and all tournaments.

And I wish Siena well, and you have a great tradition, not only as a fine school but as a great school in athletics. All the best to you.

ACTING PRESIDENT GRIFFO: Senator Volker.

SENATOR VOLKER: Mr. President, I just want to say that congratulations to the Siena Basketball Team from an old Canisius guy who was part of the Canisius basketball program at one time.

We used to have a lot more fun

playing Siena in those days. But it's not fun playing you anymore.

But I do want to congratulate you. It's bad news for us at Canisius to hear that you don't have any, to speak of, graduating people. But you were a great basketball team, and I'm sure you're going to be great in the future.

We're hoping, by the way, at Canisius that we can improve a little bit. We've been a little down the last couple of years. But I want you to know, on behalf of Canisius, that we were proud of you. And congratulations for what you did.

ACTING PRESIDENT GRIFFO: Senator Alesi.

SENATOR ALESI: Thank you, Mr. President.

I just want you to know, I didn't get these [indicating crutches] in a jump ball with Cory Magee.

But I do want to make sure that I congratulate the entire team, and especially a young man from my hometown in Fairport for his not only stellar performance at Siena but also

at his time in high school back in Fairport, All County Monroe County.

So welcome to the entire team. Great job. Congratulations. And, Cory, glad to have you here.

ACTING PRESIDENT GRIFFO: Senator Larkin.

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

You know, it's really an honor and a privilege to join here as a former Trojan here in South Troy. Of course, and Siena is doing very good, except they lost one big one this year. Father Mike is going to go to Mount St. Mary's in Newburgh, so we won't be playing you, but we'll be watching you.

Tay, everybody in the Kingston area and there around has said: "You know, he's not only a basketball player, he's one of the finest human beings you'll ever meet." I've never met anybody in the area, especially since the season started, who said, you know, his three S's that he always talks about are very, very important.

And you know, that's what makes

somebody who we look to the future to be a star and a model for our younger people. You can go to school and you can play basketball, you can play baseball, you can play football. But when you have that ability to turn around and encourage young people to do something that's right -- because, as you say, you want to be a teacher. What a model you will be. You knew the basketball triumphs. You knew the other sports. But here you want to take and translate what you've produced of yourself today to be part of you in the future.

Siena, great school. My son will be 53 years old in a couple of months, and he said: "Dad, for a great education, you sent me to the right place, Siena."

Thank you all, and God bless you.

ACTING PRESIDENT GRIFFO: Resolution 5617 was previously adopted, unanimously, by the Senate on April 30th of this year.

We have a warm welcome to Coach McCaffery, to his assistant coaches, to the players and the university officials. We extend to all of you a sincere congratulations

on a great season.

I present the Siena Saints.

(Extended applause.)

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bruno.

SENATOR BRUNO: Could I invite all the other members in the chamber to join in the resolution that has previously been passed. If you prefer not to be on it, would you just let the desk know privately.

And I would like to invite the members into the Lieutenant Governor's office, which they're temporarily letting me use, for a reception to honor the coach and this team as soon as we break session, or very quickly.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Bruno, all members will be listed on the resolution unless they notify the desk.

SENATOR BRUNO: And, Mr. President, can I ask for Senator Golden's resolution, 5697, ask that it be read, title only, and move for its immediate adoption.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Bruno.

The Secretary will read.

THE SECRETARY: By Senators Golden and Larkin, Legislative Resolution Number 5697, honoring Stella Bailey upon the occasion of her designation as recipient of the 2008 Outstanding Contribution by a Senior Citizen Award.

ACTING PRESIDENT GRIFFO: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Aubertine.

SENATOR AUBERTINE: Thank you, Mr. President.

I rise today to recognize the Hammond Girls Basketball Team, who is here with us as well as the Siena College Basketball Team.

The Lady Red Devils, I have the

privilege to introduce them here in this chamber this year much as I did last year in the Assembly chamber.

Along with the Lady Red Devils are their coaches, their head coach, Shawn Dack, Assistant Coach Larry Hollister, Assistant Coach Chet Truskowski, as well as their superintendent, Doug McQueer.

This is a very unique basketball team in many ways, not the least of which, Mr. President, is that their overall record this year was 24-4, with their league record of 12-0. But the real remarkable stat in their record is they have achieved 101 consecutive league wins, and still counting.

So the Hammond Lady Red Devils are the first Section X team to ever win back-to-back state titles. And I would appreciate it if you would offer them the congratulations of this house.

ACTING PRESIDENT GRIFFO: Thank you, Senator Aubertine. We will definitely extend the courtesy of the house to congratulate and welcome the Hammond Lady Red Devils.

I present to you the Lady Red Devils of Hammond.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Volker.

SENATOR VOLKER: May I just say, as I've done in the past, I am a summer resident of the region. And in fact, I recognize some of the names of the families there. I've been going to Black Lake for about 45 years, and Hammond is one of the places where I spend a great deal of time.

And I want to congratulate you. It's a beautiful school, and you have a great reputation in sports. And my congratulations personally to you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Volker.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number

378, by Senator Little, Senate Print 6714, an act to amend the Environmental Conservation Law, in relation to adding.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 394, by Senator Skelos, Senate Print 438A, an act to amend the Correction Law, in relation to failure.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays,

1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 434, by Senator Griffo, Senate Print 6869, an act to amend the Tax Law, in relation to volunteer firefighters.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 576, by Senator Little, Senate Print 2941A, an act authorizing the payment of ordinary disability retirement benefits.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 587, by Senator DeFrancisco, Senate Print 6879, an act to amend the Executive Law, in relation to the honoring of Rosa Parks by bus companies.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I rise to support this legislation that I want to claim as mine, but it's really the legislation proposed by the fourth-graders that are up in

the gallery here from Van Duyn Elementary School in the city of Syracuse.

What they did, their class studied civil rights and learned of Rosa Parks and thought it would be wonderful idea to encourage bus companies, on her birthday on February 4th, to leave a spot open for Rosa in commemoration of what she did for the civil rights movement.

Well, they not only got it done -- because what happened very quickly here, as I explained to them earlier, that it would on the noncontroversial calendar, which means that there's no dispute, it would pass on voice vote. There was clearly no dispute. So it was a good piece of legislation that they learned of and they told me of and it was actually their idea.

With that said, there's a second wonderful thing about it. You have already, at your young age, participated in government. You had an idea, you followed through on that idea, and you got a bill passed. And Assemblyman -- who is it -- Darryl Towns, who came to visit you today in my office, Darryl

is sponsoring it in the Assembly. And he indicated that he would in fact pass this bill, make sure this bill is passed.

So it's a wonderful idea, a wonderful bill. Centro Bus Company, in our area, was instrumental in making it possible to have a ceremony this year on February 4th, and they will continue to do so. And hopefully bus companies throughout the state will honor this bill and make this a special day for people throughout the State of New York.

So congratulations. I vote aye.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

To you, Senator DeFrancisco, and to the students from your district, I want to congratulate you on this piece of legislation.

Senator DeFrancisco has said that you have participated in government, but you have also participated in taking a major step in civil rights. We may not ever have a day that will honor Rosa Parks, but certainly with

this act you will help to keep, in our minds and our hearts, an important action that went a long way toward changing how we see and look at each other in this country.

If we can have the same kind of thoughtfulness and sensitivity displayed everyday, everywhere that we are, we will not ever have segregation again.

So I want to congratulate you, Senator DeFrancisco, and certainly the students who were thoughtful and their teacher who was sensitive enough to allow us to share in this next step into the new generation where we are all free because we know to love and respect each other.

Thank you very much, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Montgomery.

SENATOR MONTGOMERY: Mr. President, thank you.

I want to also join my colleague Senator Ruth Hassell-Thompson in thanking Senator DeFrancisco for this.

And, Senator, you have taken out time to pay attention and to assist these

young people in helping them to realize this really very, very great victory, and so I thank you for that.

And I want to say to that class, and the teachers and the students in that class, that you now know how important Rosa Parks is to this nation. And you have been able to figure out a way to force us to keep her memory alive.

But I want you to also understand that she is a great example. She was a woman, she was African-American, and she lived in a place and in a time when she was not allowed legally to sit down on a bus because of her color.

But she sat down one day because she believed that that was wrong. And I want you to understand that because she sat down, she changed the nation. It was the beginning of the civil rights movement in this nation.

So, young people, you can take a position, you can stand up for something that you believe in that is right. And I think that your generation, you and your generation will continue the struggle to make sure that

we in this country give every single person an opportunity. As Rosa Parks has done for us up to this point, you will do from this point on.

So I thank you and I congratulate you. And on behalf of all of the people like Rosa Parks who we don't know their names, we don't have a seat for them, but we know that they have fought for us. And I thank you, because my future looks very bright with you involved in it. Thank you very much.

Thanks, Senator DeFrancisco.

ACTING PRESIDENT GRIFFO: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. Chairman.

Just to join my colleagues Senator Ruth Hassell-Thompson and Senator Montgomery in congratulating Senator DeFrancisco and the students of Van Duyn Elementary School in Syracuse.

Just -- just -- just congratulations. And I envy you guys, because you did it in Syracuse. That was supposed to be done in the Bronx -- students from the Bronx, from New York City, from Harlem. But

Syracuse students did it, and I think that's very commendable.

And you, Senator DeFrancisco, thank you for doing it. Take it from this black Puerto Rican Senator, congratulations. And I'm very proud of you because of this piece of legislation.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Mr. President.

I also rise to congratulate, along with my colleagues, Senator DeFrancisco. It is certainly an important thing that we're doing here today.

And I did want to direct my comments to you who are up there in the gallery. One of the amazing things that I've been forced to remember is that very, very long ago women weren't allowed on the floor here in the Senate. Women would have to sit up there where you are, looking down only at men only being able to make the laws in this country.

So we have changed a lot. Now people like you are down here on the floor making laws.

And today is a really exceptional day, because we got a chance to congratulate young people all day. We congratulated the athletes, and now we're congratulating you, young students, young scholars who are telling us that it's important to you that everyone remembers our history.

We blame you sometimes for doing things because you don't know the history. And sometimes we forget that we have to teach you the history. So I commend your teachers for teaching you the history. And then, now that you know the history, what you've decided to do, in speaking to your Senator, is reminding us to continue to teach the history.

Every time in February that that seat is left vacant, somebody who didn't know about Rosa Parks will say: "Well, why am I having to be here? Who is this Rosa Parks?" You are helping to teach the history, to make us remember that we've come a very long way.

Now you have to remember, since

you've created law, since you're teaching the history, don't forget, when you're able to, that you have to vote. You have to vote. What you will see here today is us voting on this legislation. You'll remember to do that.

Thank you so much for doing your part and helping us do ours.

ACTING PRESIDENT GRIFFO: Senator Adams.

SENATOR ADAMS: Thank you, Mr. President.

I wanted to rise also and thank Senator DeFrancisco. And I believe that he sort of continues on with the long tradition.

Often when we think about some of the struggles we endured during the Civil Rights Era, you tend to emphasize on the negative and not on the positive. It was relationships between blacks and whites in this country, of all ethnicities, that decided they wanted to turn around the direction the country was heading in.

They were rabbis, there was college students of all different forms. Even some here in upstate New York participated in the

struggle in the South.

And for you, my colleague, to introduce this important issue, raise the concern and bring it to the attention of these young people in the country that we want to move towards -- and I too want to rise and thank the Senator for introducing it.

ACTING PRESIDENT GRIFFO: We would like to thank the students and faculty for their interest, participation, and presence here today.

The Secretary will announce the results.

THE SECRETARY: Ayes, 59. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

(Applause.)

ACTING PRESIDENT GRIFFO: Van Duyn Elementary School.

Calendar Number 593. The Secretary will read.

THE SECRETARY: Calendar Number 593, by --

SENATOR LIBOUS: Would you please

lay that aside for the day.

ACTING PRESIDENT GRIFFO: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 620, by Senator Larkin, Senate Print 6956, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 667, by Senator DeFrancisco, Senate Print 6658A, an act to amend the Navigation Law, in relation to requiring.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I'm going to vote aye on this bill.

We've had a rash of boating accidents in our community, much more than the population should be involved in, and resulting in deaths. In fact, one young person was just convicted of killing two people in a boat while intoxicated.

So this is one of the many bills that we've been pushing in order to strengthen the boating while intoxicated laws. And what it does is two things. It requires anyone convicted of an alcohol-related boating offense to obtain a boating safety certificate. So in addition to whatever other penalties a DWI -- or boating while intoxicated, I should say, you have to take the safety course as a reminder of what could happen.

Second, it requires anyone under 21 who is convicted of an alcohol-related boating

offense to obtain a boating safety certificate before operating a vessel. So young people should get that information and learn how to do things properly before they get their license.

And so I think these are two preventive measures that hopefully will help stop some of the carnage that's been happening on our waterways.

I vote aye.

ACTING PRESIDENT GRIFFO: Thank you, Senator DeFrancisco. You will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 59. Nays, 0.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 777, by the Senate Committee on Rules, Senate Print 6329, an act to authorize the Town of Malta to convey to Saratoga Water Services, Inc.

ACTING PRESIDENT GRIFFO: There

is a home-rule message at the desk.

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 789, by Senator LaValle, Senate Print 3903A, an act to amend the Education Law, in relation to students in default.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 789 are Senators Adams, Duane, Hassell-Thompson and

Montgomery.

Ayes, 55. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 793, by Senator Padavan, Senate Print 3995A, an act to amend the Mental Hygiene Law, in relation to limiting.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect one year after it shall have become law.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 804, by Senator Hannon, Senate Print 7058, an act to amend the Election Law and the Public Health Law, in relation to registration and enrollment.

ACTING PRESIDENT GRIFFO: Read

the last section.

THE SECRETARY: Section 3. This act shall take effect January 1, 2009.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 833, by Senator Winner, Senate Print 2817, an act to amend the Tax Law, in relation to requiring taxpayers.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

849, by Senator Marcellino, Senate Print 623, an act to amend the Vehicle and Traffic Law, in relation to number of prior suspensions.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 851, by Senator Trunzo, Senate Print 1486, an act to amend the Vehicle and Traffic Law, in relation to aggressive driving.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 855, by Senator Fuschillo, Senate Print 5974A, an act to amend the Vehicle and Traffic Law, in relation to persons authorized.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 871, by Senator Marcellino, Senate Print 7303, an act to amend the Environmental Conservation Law, in relation to commercial application.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR LIBOUS: Is there any further business, Mr. President, at the desk?

ACTING PRESIDENT GRIFFO: There is none.

SENATOR LIBOUS: There being no further business, I would say that the Senate will adjourn until Tuesday, May 6th, at 3:00 p.m., sir.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Tuesday, May 6th, at 3:00 p.m.

(Whereupon, at 3:53 p.m., the Senate adjourned.)