NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 6, 2008

3:08 p.m.

REGULAR SESSION

SENATOR CARL L. MARCELLINO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MARCELLINO: The Senate will come to order.

Please rise and recite with me the Pledge of Allegiance.

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

ACTING PRESIDENT MARCELLINO: The invocation today will be given by Reverend Ed Jones, pastor of the Faith Assembly of God Church in Poughkeepsie.

REVEREND JONES: Let us pray.

Heavenly Father, we give You thanks for our Senators who have committed their lives to public service. We ask that You will bless them and their families.

We ask today that You will give them insight to see the ramifications of the laws and policies that they will debate and vote on. Give them wisdom and guidance to enact just laws that will benefit the people of New York State.

We ask that they will leave a legacy of political fairness and compassion. May this Senate be known for its integrity.

May the reward of doing right and being right be greater compensation in their eyes than momentary accolades.

As our Senators work in Albany, may they inspire our families, our communities to be a good and just people.

We pray for the judges that will be appointed and reappointed to serve. Give them discernment in the court cases they will preside. May their judgments demonstrate impartiality and produce confidence and trust in the judicial system. We ask that You will protect them and watch over their families.

Father, in the midst of human power and prestige, help us to remember our human frailty and the brevity of our lives so that we might remember both our need of You and our accountability to You.

We thank You for all You have blessed us with. Help us to be good stewards of the opportunities and the resources You have bestowed upon us.

Now give us the wisdom and strength to do what is right in Your sight, for Your ways are always the best ways, even though

they are not the most popular ways.

Heavenly Father, we pray that You would grant this session of the Senate to be productive. We pray that it will be for the good of our state.

We pray all of this in the name of Jesus. Amen.

ACTING PRESIDENT MARCELLINO: May we have the reading of the Journal.

THE SECRETARY: In Senate, Monday, May 5, the Senate met pursuant to adjournment. The Journal of Sunday, May 4, was read and approved. On motion, Senate adjourned.

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

We have the 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: I believe, Mr. President, there are three substitutions at the desk we would ask to be made.

ACTING PRESIDENT MARCELLINO: The Secretary will make the substitutions.

THE SECRETARY: On page 37, Senator Griffo moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 10377 and substitute it for the identical Senate Bill Number 7258, Third Reading Calendar 697.

On page 43, Senator Volker moves to discharge, from the Committee on Codes, Assembly Bill Number 7371 and substitute it for the identical Senate Bill Number 3564, Third Reading Calendar 831.

And on page 44, Senator Volker moves to discharge, from the Committee on Codes, Assembly Bill Number 10362 and substitute it for the identical Senate Bill Number 7249, Third Reading Calendar 843.

ACTING PRESIDENT MARCELLINO: The substitutions are ordered.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Larkin, on page number 19 I offer the following amendments to Calendar Number 262, Senate Print Number 6108, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: So ordered.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time adopt the Resolution Calendar, except for Resolutions 5632 and 5647.

ACTING PRESIDENT MARCELLINO: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 5632 and 5647, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The Resolution Calendar is adopted.

Senator Bruno.

SENATOR BRUNO: And, Mr. President, can we at this time take up Resolution Number 5647, have it read in its entirety, and move for its immediate adoption.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: By Senators Bruno and Morahan, Legislative Resolution Number 5647, memorializing Governor David A. Paterson to proclaim May 6, 2008, as Senate Disabilities Awareness Day in the State of New York.

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

"WHEREAS, Members of this Legislative Body have selected residents from their districts who embody the celebrated spirit of perseverance and determination to 'achieve through adversity' to be honored at 2008 Senate Achievers; and

"WHEREAS, A Technology Fair will be held with exhibitors from across the state

displaying their programs; and

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

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

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

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

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor David A. Paterson to proclaim May 6, 2008, as Senate Disabilities Awareness Day in the State of New York, fully confident that

such procedure mirrors our shared commitment to the efflorescence of human dignity; and be it further

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

ACTING PRESIDENT MARCELLINO: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President, colleagues, and those that are here with us in the chamber today.

This resolution that you heard read describes a number of people -- many of them in this chamber -- in this state who have the courage, have everything that it takes to meet challenges that life gives them in a very, very special way.

The Senate has had Disabilities Awareness Day, I think this is our 28th year. And during that day, Senators recommend people who have overcome disabilities who live with their challenges. And it's very, very special for all of us.

And Senator Morahan, who chairs the committee, was there with many of you.

I have a very special guest, my nominee, here, Mr. President, Kyle Hurysz. Kyle is here with his mom, Patricia; father, Ken; young brother, 5, Owen. Kyle is in fourth grade.

Kyle, who's right here, I met Kyle at the Twin Rivers Boy Scout Council, 500 or 600 people, and he spoke to that group. And I was amazed at his poise, at his ability to communicate, how articulate.

Kyle, with many of you, really are role models for people in life. All of us think that life is difficult sometimes. Some days are better than others, especially in this business. But when you have people like Kyle, like many of you here, who just deal with what they have to deal with, there isn't anything Kyle and many of the others aren't willing to try, willing to do, relating, in the community.

And Mom and Dad, Owen, they're very special people, like many of you that deal every hour and every day with challenges in

life.

So I'm proud here to welcome all of you, everyone here, and especially Kyle, his mom and dad, for having everything that it takes to really make us all proud as they go on and meet their challenges in life.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Morahan, on the resolution.

SENATOR MORAHAN: Thank you, Mr. President.

I rise also to just explain the feeling that I have every year when we have this Disability Awareness Day here in the Senate. It's truly inspiring. It makes all of our little troubles seem to wash away when you see people who have overcome things that would normally lay most of us low.

And they do it, remarkably, with a smile on their face and a cheerfulness. And it's just not overcoming their disability, their challenge, but it's what they're doing with their lives on top of that -- serving others, doing what they can for families who have people going through a trauma, people who

come out of a coma after three or four months and spend the rest of their lives dealing with those who have a brain trauma or a coma condition, counseling their families, devoting their lives to just plain good work.

So I'm especially proud of those who we came to honor today for their accomplishments in the face of great odds. Some without limbs, some with limited facilities and faculties, some who have been challenged in ways that we don't understand why that is, but it is, and they accept it.

And to see people like Kyle, with a smile on his face all through the ceremony, getting recognized by us, getting recognized by their families for their accomplishments and for all those good things that they serve as role models for the rest of New Yorkers, those of us who may complain from time to time about an ailment or a turn of fortune.

When we see these people the folks who have stepped up, facing great odds, overcoming those odds, accomplishing great deeds and helping their fellow man both by activities and example, it truly is an

inspirational day.

Thank you, Mr. Chairman.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Libous, on the resolution.

SENATOR LIBOUS: Thank you, Mr. President. On the resolution.

I want to congratulate Senator Bruno and certainly Chairman Morahan for another very, very successful day, and looking at the quality and the character of many of our honorees. I still chair the Select Committee on the Disabled and certainly was involved in this day for a number of years.

But I think the thing that's very touching to me is that when you talk to some of our recipients today of this award, and certainly the challenges they face, it's all about attitude. Attitude is the only disability that a lot of people have. And they shared with me that they have a positive attitude every day when they get up and face the world in a different way than we do.

And what I want to share with everyone here, as I have in the past, is that

what's important today is that we honor these individuals who contribute so much to our state and to society on a daily basis as they overcome their challenges. And what I would share with my colleagues is that in this house we have made great strides over the years, we have done a number of things.

Senator Bruno talked earlier today at the ceremony about head injury. And this house has passed successfully, and the other house, setting into law a Head Injury Institute in this state that we didn't have. Because many parents of head-injured individuals were going to Massachusetts; we didn't have those facilities. But now, because of what this body did, that's changed. And those are who are head-injured are serviced right here in New York State.

And so my message to my colleagues is that while we honor these outstanding individuals, they will leave here today and they still have those same challenges every day. And we tend to forget what they are. We tend to become emotional over those challenges as we see what great accomplishments they

make, but they live with that every day, and they achieve every day.

What we can do is continue to give them the assistance and help that we have in the past, and that we need to keep a little piece of our day so that we are aware of the challenges that hundreds of thousands of disabled New Yorkers face every day.

So again, Senator Bruno, thank you for allowing this to happen. And, Senator Morahan, thank you for the outstanding work you have done for the disabled community and those who have a mental illness in New York State.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

For 36 years, Mr. President, I've had the privilege, as have all of our colleagues, to host on this day in Albany citizens of this state, from one end to the other, who come here to share with us their life experiences and their courage as they

deal with disabilities of all kinds.

And it's motivated us. Because over that period of time we have done fantastic things as a Legislature and as a state, responding to their needs in many, many different ways.

As an example, we have a network of community residences in this state unparalleled anywhere in the nation. We have done things that some people said could not be done. We have committed resources in vast amounts to all kinds of individuals and groups, addressing all kinds of disabilities. And a lot of it was motivated by this visit every year, because we came face-to-face with the people that we had to serve.

Senator Bruno and Senator Morahan talked here and earlier this afternoon about what this day means and what it's all about and how important it is, and I share everything they had to say.

I have a lovely young lady here today from my part of the state, Sara. Sara started her young life on Sesame Street, despite a disability that was at birth. And

today she works in a soup kitchen, she works at a veterans hospital as a volunteer, she does all kinds of things with her life despite her disability.

And she's sitting back there. Sara, we're delighted to have you with us. She's very, very bashful, though, and very shy. But when you get her going, she's on a stage and you can't stop her.

And Sara is just an illustration of not only the folks who are here today but who have been here year after year after year. And we are far better legislators and human beings by having been exposed to them and what they mean to us in their lives and in ours.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator DeFrancisco, on the resolution.

SENATOR DeFRANCISCO: Thank you. I rise to echo some of the remarks that have already been made.

But, you know, I also want to recognize my constituent that I feel very, very proud of, Robert Miller, of

Baldwinsville.

Mr. Miller, at age 22, lost his total eyesight as a result of glaucoma. He didn't then exit from an active life; he got involved with the Blind Vendor Merchant Program right way.

And what was said by Senator Padavan and Senator Libous about some of the things that the state does, some of the things that the state funds don't normally get recognized. And the fact that that program was available resulted in a successful business that he's had over all of these years. He now runs the newsstand at the State Office Building where my offices are.

He's maintained his devotion to his people with other handicapping conditions, especially of the blind, and he's on many organizations.

But I guess what I wanted to really say is here is an example of a day honoring people that are doing the best that they can do under very, very difficult circumstances, like all of us. And on the other hand, we have an obligation to continue these programs

so they all can become the best they can possibly be, and maintain a system, a network of support for those who deserve and are entitled to our laws that assist them.

So to Robert Miller and to all the other recipients of the honor today, you are honoring us, we are not honoring you. So keep up the great work going forward, as you have done over all of these years.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Little, on the resolution.

SENATOR LITTLE: Thank you, Mr. President. I too would like to stand and recognize all of our honorees and all people in our state who are dealing with disabilities.

There's a saying that it's not so much what happens to us in life as to how we deal with it.

I am honored today to be joined by a young man, Tai McLear, who is 9 years old. He was diagnosed with muscular dystrophy at the age of 3. And at 9 years old, he's now a

regional ambassador for muscular dystrophy. He has raised thousands of dollars. But more than that, that through his spirit and his attitude, he has inspired and helped many, many other children with disabilities.

He is a straight A student at the L.P. Quinn School in Tupper Lake, New York. He's joined today by his very proud and loving mother and grandparents.

And I'm just so proud to have him here today, because as a young person he is showing us that young people can face difficulties and challenges in life and really come out with an attitude and be an inspiration to other people.

So I'm proud to honor Tai today, and all of the honorees. Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Winner, on the resolution.

SENATOR WINNER: Thank you, Mr. President.

I too am honored to be able to participate in this extraordinary day with such extraordinary people as the honorees that

we've seen at the ceremony this morning, as well as some of those who have been discussed this afternoon.

I am particularly honored to have here Melissa Hudson, Melissa here in the chamber, who is an inspiration to our community in upstate New York. Melissa was diagnosed with cerebral palsy as a young girl and, as such, faced undoubted challenges in going forward with some of her dreams and aspirations.

One of her dreams and aspirations was to be involved intimately in the veterinary medicine field. And as such, she has gone about her efforts in educating herself, with the help of a fine institution in our area, to be able to become very, very much involved in the treatment and care of animals within the Humane Society in Yates County, in Penn Yan, New York.

She has been able to live independently, work independently, and has even gotten a license to drive an automobile, for which she should be extraordinarily proud. And as such, she is a tremendously

contributing member of society and doing such great work. And I'm pleased to be able to be associated with her and have her be our honoree from my Senate district today.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you Senator.

Seeing no other speakers, all in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolution is passed.

Senator Rath.

SENATOR RATH: Senator Bruno would like to open this resolution for cosponsorship by other members of the Senate.

ACTING PRESIDENT MARCELLINO: Anyone not wishing to be on the resolution, please notify the desk. Otherwise, everyone's name will be placed on the resolution.

Senator Rath.

SENATOR RATH: Mr. President, at

this time there's a resolution by Senator Saland, Number 5632. May we have it read title only, please.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: By Senator Saland, Legislative Resolution Number 5632, commemorating the 25th Anniversary of the Dutchess Lodge No. 860, Knights of Pythias.

ACTING PRESIDENT MARCELLINO: Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, I've had the good fortune of living nearly my entire life in Dutchess County, in the mid-Hudson, and it is a wonderful place with an enviable quality of life. And that has nothing to do with merely the geography of the area, but it also has to do with the people of the area and the organizations that are such a vital part of the fabric of the area.

And we celebrate in this resolution, Mr. President, the 25th anniversary of the Dutchess Lodge 860 of the

Knights of Pythias, an organization which has a rich tradition extending more than 140 years now, built on the distinguishing principles of friendship, charity and benevolence.

And there are a number of members and officers of the organization. And while it's the Dutchess Lodge, there are members throughout the Hudson Valley who are part of the lodge; membership is not limited to Dutchess residents. And there are members of this Legislature who are Pythians as well.

And what really their mission is is to enhance the communities in which they live, to enhance the quality of life for their friends, their neighbors, their communities. And they have done it very generously by raising tens of thousands of dollars, approaching the $100,000 mark, all to the benefit of the communities that they live in and that they support.

And I would ask, Mr. President, if you might welcome those members of the Dutchess 860 Lodge of the Knights of Pythias here to the chamber today.

ACTING PRESIDENT MARCELLINO:

Thank you, Senator Saland.

And we wish the delegation from the Knights of Pythias good cheer and safe home, and thank you for coming.

(Applause.)

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

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolution is adopted.

Senator Rath.

SENATOR RATH: Yes, Mr. President. There is a resolution at the desk, Number 3281, by Senator Fuschillo. If it could be read in its entirety.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: By Senator Fuschillo, Legislative Resolution Number 3281, congratulating the Merrick-North Merrick Little League Girls Softball Team and Manager

Lou Eiler upon the occasion of capturing the 2007 New York State 9-and-10-year-old Softball Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success, and developing a sense of fair play and competition; and

"WHEREAS, The Merrick-North Merrick Little League Girls Softball Team are the 2007 New York State 9-and-10-year-old softball champions; and

WHEREAS, The Merrick-North Merrick Little League Girls Williamsport Softball Team made it to the New York State 9-and-10-year-old softball championship by topping more than 200 teams that competed for

the coveted title. The girls finished the summer tournament season undefeated, going 11-0 and scoring 126 runs while giving up only 25; and

"WHEREAS, The Merrick-North Merrick Little League Girls Softball Team and their families arrived in Pittsford, New York, on August 3, 2007, for the five-day championship tournament. Earlier, the squad had captured the Long Island Championship to earn a spot in the state tournament, which matched Merrick against teams from New City, Brewster, and Cicero; and

"WHEREAS, On July 31, 2007, the Merrick-North Merrick Little League Girls Softball Team defeated Half Hollow Hills by a score of 10-0 to win the Long Island Championship; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Manager Lou Eiler and Coaches Denise Savarese, Don Calagna, and Dave Marcello, skilled and inspirational tutors, respected for their ability to develop potential into excellence; and

"WHEREAS, The team's overall record is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, The hallmarks of the Merrick-North Merrick Little League Girls Softball Team, from the opening game of the season to participation in the championship, were a sisterhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none; and

"WHEREAS, Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their community; and

"WHEREAS, Manager Lou Eiler and his dedicated staff have done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Manager Lou Eiler and

these outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Merrick-North Merrick Little League Girls Softball Team, its members -- Brianna Biancardi, Maria Batas, Rachel Calagna, Lauren Trimarco, Lauren Sustad, Allison Jones, Kathryn Eiler, Meredith Jones, Lauren Savarese, Ally Marcello, and Taylor Catalano -- and Manager Lou Eiler and his coaching staff on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Merrick-North Merrick Little League Girls Softball Team, Manager Lou Eiler and the aforementioned coaching staff."

ACTING PRESIDENT MARCELLINO: Senator Fuschillo, on the resolution.

SENATOR FUSCHILLO: Mr. President, thank you very much.

I am delighted to rise once

again -- this is four years in a row for me -- as the Senator representing my hometown community in Merrick, where I don't think anybody else can get up and make that claim.

You know, today the girls and their parents and the coaches and the manager arrived here and had lunch and went to the museum, had a tour of the Capitol, met Senator Bruno and had a great day.

But last summer, for a period of a month, 31 days, they beat teams in Senator Craig Johnson's district easily, they beat teams in Senator Skelos's district easily. And then they went up to the state champs and in the finals met a team from Senator Morahan's district from New City, and we wiped them out.

(Laughter.)

SENATOR FUSCHILLO: And the girls finished 11 and 0, had 129 runs for and 25 against.

But I have to compliment --

ACTING PRESIDENT MARCELLINO: Can we have some order in the house. This is some very important information.

SENATOR FUSCHILLO: Mr. President, we probably beat teams in your district too, but I didn't get to that point.

(Laughter.)

ACTING PRESIDENT MARCELLINO: Not a chance, Senator.

(Laughter.)

SENATOR FUSCHILLO: But I want to compliment the parents, because I was in this position a few years ago when my son won the state champs as well, and I know it's a tremendous commitment. Practice every single day and night in the summer, and the coaches and the manager, Lou Eiler -- who I got to know a few years ago, and he's just a terrific guy.

Lou, I compliment you on your commitment to these girls. I always said I know you just wanted to play with your daughter and have fun, but you told me and you corrected me, it's about all these girls, and they're very special in your heart.

This is a great moment in your life. Last summer was special. And I know Little League rules and Williamsport rules;

you can't talk about next summer. But I know we're going to be back here next year, beating Craig Johnson's kids in his district and maybe, if Senator Morahan's teams are lucky, they'll get to the finals again. But you're going to have many moments like this in your life.

So I am so proud to spend a day with all of you, have you come to the Capitol, have you come to the Senate chambers, and have everybody here recognize your accomplishments. Please rise.

Ladies and gentlemen, I give you the girls' softball champs of New York State. Let's join them in a round of applause.

(Applause.)

SENATOR FUSCHILLO: Now, Mr. President, as I conclude -- because you said no other Senator can speak on this resolution --

(Laughter.)

SENATOR FUSCHILLO: -- I vote aye and move for its immediate adoption. Thank you very much.

ACTING PRESIDENT MARCELLINO:

Unfortunately, Senator, the resolution was passed some time ago.

And Senator Morahan has requested, requested rebuttal time.

(Laughter.)

ACTING PRESIDENT MARCELLINO: Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President.

As the Senator who represents New City, who Senator Fuschillo claims to have been wiped out by this illustrious team from Nassau, I will call to mind or to your attention that they beat New City in the championship game for the state. So I'm proud of my kids who made it that far, and also reflect upon all the other Nassau teams that my team was better than. Okay?

(Laughter.)

SENATOR MORAHAN: But I humbly stand in front of you youngsters to congratulate you on team spirit, good sportsmanship. You beat everyone fair and square. You are the champs. You deserve the accolades.

God bless you, and good luck. And thank you for being here with us today.

(Applause.)

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President. In the future, please don't recognize Senator Fuschillo.

(Laughter.)

ACTING PRESIDENT MARCELLINO: We'll make a note of that, Senator.

SENATOR SKELOS: Congratulations, ladies, to you also.

There is a motion, I believe, by Senator Farley.

ACTING PRESIDENT MARCELLINO: Senator Farley.

SENATOR FARLEY: I don't have any team to introduce, but congratulations in any case.

On behalf of myself, Mr. President, I wish to call up my bill, Senate Print 6457, which was recalled from the Assembly and it's now at the desk.

ACTING PRESIDENT MARCELLINO: The

Secretary will read.

THE SECRETARY: Calendar Number 63, by Senator Farley, Senate Print 6457, an act establishing.

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

ACTING PRESIDENT MARCELLINO: Call the roll on reconsideration, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

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

ACTING PRESIDENT MARCELLINO: Amendments accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees for the report of the Finance Committee.

ACTING PRESIDENT MARCELLINO: We will return to the reports of standing committees for the report of the Finance Committee.

The Secretary will read.

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

As a member of the Board of Trustees of the New York State Higher Education Services Corporation, Eileen C. Bagnoli, of Ballston lake.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Move the nomination.

ACTING PRESIDENT MARCELLINO: The question is on the nomination of Eileen C. Bagnoli, of Ballston lake, for a term to expire June 30, 2013, as a member of the Board of Trustees of the New York State Higher Education Services Corporation. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The nomination is approved.

Congratulations, Ms. Bagnoli.

(Applause.)

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: As members of the Board of Trustees of the State University of New York College of Environmental Science and Forestry, Thomas C. Buckel, Jr., of Syracuse; Vita DeMarchi, of Manlius; and Matthew J. Marko, of Syracuse.

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

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The nominations are approved.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up the report of the Judiciary Committee.

ACTING PRESIDENT MARCELLINO: The Secretary will read the report of the Judiciary Committee.

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

As a judge of the Erie County Family Court, Lisa Bloch Rodwin, of Amherst.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I'm proud to rise to move the nominations of the six judges who are here with us today. Their qualifications have been thoroughly reviewed, they all appeared before the Judiciary Committee today, and they were unanimously approved to bring to the full Senate for confirmation.

Specifically, I'd like to move the nomination of Lisa Bloch Rodwin, who by the way is a special -- this is a special process, because someone from India on the Internet -- her son -- is watching this right now, we hope, so that he can enjoy the great honor that's being bestowed on her.

So I move her nomination, and I would request that Senator Rath second that nomination, that she be recognized.

ACTING PRESIDENT MARCELLINO: Senator Rath, for purposes of seconding the nomination.

SENATOR RATH: Thank you, Chairman DeFrancisco.

And I rise with great honor to be able to second the nomination of Lisa Bloch Rodwin for the Family Court position that she's been nominated for. And I congratulate the Governor and his advisors on their wisdom in choosing Lisa Bloch Rodwin.

You have seen her resume, I'm sure. Let me point out a couple of pieces that you might not have noted. Lisa created the first unit outside of metropolitan New York for the prosecution of family violence.

As an advocate and as a supporter and -- I'm kind of at a loss for words, because how do you speak of one who's spent their whole careers working with families and working against domestic violence issues, to the point of getting in there between the agencies, the social service agencies and the judges and the police organizations to say, Wait a minute, something is wrong -- this was

15 years ago -- and making sure that people got the kind of training, the education they needed so they could work in the domestic violence cases and bring those cases to a happy conclusion as best they could.

Her work is so renowned and so noted that she has appeared on the Oprah Show and appeared with Diane Sawyer, because she is considered one of the absolute national experts in this area. We have a gem of a person with us today.

And I'm so honored to be able to be here to second her nomination and look forward to whatever kind of limited work we here in the Legislature do with judges, but also to thank Judge Rodwin for your work with the Legislature in helping us form much of the legislation that's come through here the last 10 to 15 years that had so enhanced the world of making domestic violence a thing of past. Because the tools are there for the people that work in the area because folks like you have rolled your sleeves up and done the hard work in the last 15 years.

So congratulations, Judge. We're

all very happy for you.

ACTING PRESIDENT MARCELLINO: Senator Stachowski.

SENATOR STACHOWSKI: Yes, Mr. President, I too would like to rise to second the nomination of Lisa Bloch Rodwin.

She'll make a marvelous Family Court judge. As Senator Rath pointed out, her background in putting together the family violence unit of the Erie County District Attorney's office -- and I know she worked with closely with the people that put together the Family Justice Center in Buffalo, which is a one-stop facility for possible victims of this kind of crime.

And her work, as Mary Lou pointed out, is world-renowned, and she's been a TV celebrity of sorts on all those various talk shows and news outlets. And she's just a very hard worker and very dedicated to this area and a perfect, perfect fit for the Family Court.

And besides all of that, she's a wonderful person and I'd like to say a friend. And I'm very happy to have this opportunity to

second the nomination.

And congratulations to her and Senator Paterson on her choice -- Governor Paterson, excuse me.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Maziarz.

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

I too rise to second the nomination of Lisa Bloch Rodwin, of Amherst, as a judge of the Erie County Family Court.

You know, I can't add to what Senator Rath and Senator Stachowski said about Lisa's expertise in the area of domestic violence. She's actually saved lives of many people who were being abused by their spouses and, in turn, saved their children from that horrific lifestyle and has been nationally noted for it.

Lisa, this is great for you, your family that's here today, your son, who hopefully is watching in India.

There is only one piece of bad news, Lisa. I have to tell you that despite

what you think, the party today is actually going on without you back in the DA's office. You thought it was postponed, but apparently Frank Clark decided otherwise.

So congratulations to you. This is a great step. I hope and I'm absolutely certain that the voters of Erie County this November are going to see all those great qualities and that you are going elected to a full term as Family Court judge. You've earned it, you deserve it, and if I lived in Erie County, I'd vote for you.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Volker.

SENATOR VOLKER: Mr. President, very quickly.

First I want to say that as I said in the Judiciary Committee, that you really have to commend Governor Paterson. This is one of the best -- in my opinion, one of the best groups of judges today that we've had in my memory in the Judiciary Committee. And it continues a tradition of excellent judges, I

think, going back a long way.

Lisa Bloch Rodwin, the only problem is that she's going to be missed very, very much in the district attorney's office. She's been a stalwart in that office for many, many years.

In fact, one of the interesting things is we had a discussion about the fact that we have three or four people here who were so involved in the local district attorney's office, including John Cerio, who is going to become a Court of Claims judge. But I think it does show that we have some extremely strong district attorney's offices in this state.

And certainly Lisa is a wonderful, shall I say, graduate of that and has a great reputation and I'm sure will make the Family Court in Buffalo even stronger.

I said earlier, and I just will finish, that my father would be proud. My father actually did the legislation to create the Family Court many, many years ago when he was chairman of Codes in the Assembly. And I have no doubt that he would be proud to see

Lisa Bloch Rodwin being made a judge of the Family Court.

ACTING PRESIDENT MARCELLINO: All in favor of the nomination of Lisa Bloch Rodwin, of Amherst, as a judge of the Erie County Family Court signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The nominee is approved.

Congratulations, Judge Rodwin.

(Applause.)

ACTING PRESIDENT MARCELLINO: Judge Rodwin is accompanied by her husband, Michael Rickert, and her parents, Larry and Steffi Bloch.

Congratulations once again, and safe home.

The Secretary will read.

THE SECRETARY: As a judge of the Court of Claims, Honorable Gina M. Lopez Summa, of Syosset.

ACTING PRESIDENT MARCELLINO:

Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination of Gina Lopez Summa for a reappointment to the Court of Claims.

And I would call on Senator Maltese or ask you to call on Senator Maltese for a second.

ACTING PRESIDENT MARCELLINO: Thank you, Senator DeFrancisco.

As the soon-to-be judge resides in the community in which I live in, it's my pleasure to pass the seconding on to Senator Maltese.

SENATOR MALTESE: Mr. President, I'm very pleased to rise to second to this nomination.

We heard from Judge Summa earlier today in the Judiciary Committee, where she was approved unanimously, just as she was in her prior appearance.

This reappointment is certainly a meritorious one. Her record in being a speaker throughout the state, throughout many states in the union in different areas of expertise -- human rights, civil rights,

ethical challenges, employment discrimination -- is a notable one.

Her magna cum laude graduation from St. John's College, her illustrious career in Brooklyn Law School has well fitted her for this post, as her prior experience as a legal counsel, a legal clerk to the distinguished Civil Court, now Supreme Court Justice Gus Reichbach, and certainly her clerkship with Supreme Court Justice Steinhardt.

She is in the enviable position of working with human rights, civil rights and has, as I mentioned before, an illustrious career. Certainly her seven years with the State Division of Human Rights well-fitted her and prepared her for her 16 months as judge. Her 16 months as a judge of the Court of Claims has been an illustrious career. She is notable because of her approval by the bench and bar.

And I do not think it amiss to say that we all share the parental pride of her dad, her family that is here with us today.

Mr. President, I am very pleased and proud to second the nomination of Gina

Lopez Summa as a judge of the Court of Claims.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Maltese.

The question is on the nomination of Honorable Gina M. Lopez Summa, of Syosset, to be reappointed as a judge of the Court of Claims. All in favor of the reappointment signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: All opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The nominee is reappointed.

Congratulations, Judge Summa.

(Applause.)

ACTING PRESIDENT MARCELLINO: Judge Summa is accompanied by her husband, Keith. And her father will be known to most of us as Assemblyman Vito Lopez.

Congratulations, safe home. Do a great job. Thank you.

The Secretary will read.

THE SECRETARY: As a judge of the Court of Claims, Honorable Melvin L.

Schweitzer, of New York City.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination for the reappointment of Melvin L. Schweitzer to the Court of Claims, and I would request that you please recognize Senator Liz Krueger for a second.

ACTING PRESIDENT MARCELLINO: The chair recognizes Senator Liz Krueger, for a second.

SENATOR L. KRUEGER: Thank you, Mr. Chair.

I rise to second the nomination of Judge Schweitzer for a reappointment to the Court of Claims. I'm very proud to have him as a constituent in my district and a member of the bench, and want to thank him for continuing to serve on the bench of the Court of Claims.

Thank you.

ACTING PRESIDENT MARCELLINO: Senator Smith.

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

I also rise -- Judge, you want to rule on this right now? But I also rise to second the nomination of Judge Schweitzer. And I think it's important to note the Governor's ability to nominate someone with such a great background.

There's a few things I do want to acknowledge about Judge Schweitzer. He was a counsel on revenue financing for airports, colleges, universities, including SUNY University and Columbia. He was also on the board of commissioners of the Port Authority, where he was a member of the Finance and Operations Committee. He also served on the transition team for the comptroller of the City of New York, '73 and '89. And he also acted as bond counsel and underwriter for the Council of the City of New York for more than 20 years.

Now, Judge, given the financial condition of the State of New York right now, perhaps you shouldn't be a judge, you should be part of our financial team.

But I will say two of the brighter moments in Judge Schweitzer's career are two

things that are obviously near and dear to me. One, he is a graduate of Fordham Law School, which obviously, while many of you lawyers in here graduated from other law schools -- Serph Maltese -- Fordham is one of the premier ones there is.

And then, most importantly, we shared some time also when Geraldine Ferraro ran for vice president, and he was counsel then.

So I will say he not only has a distinguished career as an attorney, but clearly his background and his personal commitment to doing what is right is what's going to be in the forefront of him becoming a judge of the Court of Claims.

And I would say to the Governor, you could have not picked a better person of integrity, intellect, also rather good-looking. And it's my pleasure to second the nomination of Judge Melvin L. Schweitzer.

Judge, congratulations to you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Smith.

The question is on the

reappointment of Honorable Melvin L. Schweitzer, of New York City, as a judge of the Court of Claims. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: Judge Schweitzer is reappointed to the Court of Claims.

Congratulations, Judge.

(Applause.)

ACTING PRESIDENT MARCELLINO: Judge Schweitzer is accompanied by Ronni Rubin-Bolger.

Congratulations. Do a great job, Judge.

The Secretary will read.

THE SECRETARY: As a judge of the Court of Claims, Honorable Fernando M. Camacho, of Bayside.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I rise to

move the nomination of Honorable Fernando M. Camacho to the Court of Claims.

Before I pass it on for a second, I just want to mention what most of you did not see, our process in the Judiciary Committee. And those that were there can tell you and confirm what I'm saying, it was one of the most impressive discussions of his background and the speech given by him explaining how important and how happy he is and proud he is to get this nomination and clearly to get the approval of this body.

Soon-to-be Judge Camacho came from Cuba. His family left everything behind, came to this country with nothing, absolutely nothing. And he is now, through his hard work and the incredible work of his parents to help him get through college and law school, and him progressing through that profession over these years, he is now so proud to be an American who came from another country who is now going to become a judge of that country. Nowhere but the United States of America can anything like this happen.

There's no way I could have

possibly paraphrased what he said, but that was the gist of it. It was an emotional, incredible moment for me as chairman of the Judiciary. And I'm very proud to move his nomination.

And I would ask that you call on Senator Padavan for a second, please.

ACTING PRESIDENT MARCELLINO: For purposes of a second, Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President. It's my honor to second the nomination of Judge Camacho.

When you look at his resume, it's quite impressive. He was educated at Columbia University, got his law degree at Fordham, started off as an assistant DA in the trial division, senior trial counsel in the homicide investigations unit, practiced law in the private sector, became a criminal court judge, both in Kings County and Queens, presiding judge, Queens County office, in that regard, and then presiding judge in the Queens County Domestic Violence Court.

And one area that I'm particularly pleased to note, he was deputy supervising

judge in the Queens County Criminal Court, and one of the areas he labored in was developing a model for problem-solving for teenage victims of sex trafficking.

And all of you will recall last year we took a major leap forward in terms of passing human traffic trafficking legislation in this state. And the judge obviously brings a great deal of knowledge. And I pity anyone who comes before his court in the future under the provisions of law that we put in place last year.

But more than his resume are the things that you heard from Senator DeFrancisco. He is a jurist who understands full well the opportunity that this country gave him and his family in terms of an education and opportunity and this type of ascension to a high court in the state where all of those attributes that he has accumulated and represents will be put to good use.

And the state will be better for it, and those who appear in his court will be better for it. And he's just simply an

outstanding individual, and I'm delighted that he's from Bayside, Queens.

And he's here with his entire family: his wife, Andrea; his children, Kevin, Kerry, James and Kaitlin; his mother, Alicia; his brother, Carlos; his sister and brother-in-law Patricia and Chris Eysses; and another brother-in-law and sister, Alicia and Frank Vasile, and their children Elizabeth and Ben.

Is there anybody we left out, Judge? Nobody? You've got most of Bayside here.

Congratulations.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Maltese.

SENATOR MALTESE: Mr. President, I rise to join my good colleagues Senator Padavan and Senator DeFrancisco and my colleague from Bayside, Queens, Senator Toby Stavisky.

The reason I rise is I was present in Judiciary today, and I join my colleague Frank Padavan in commending Judge Camacho.

His words -- sometimes in Judiciary or in the session, some of us become inured or jaded from especially hearing over and over again many of the same comments from prospective nominees for various posts and jurists.

It's so pleasant and commendable that Judge Camacho really shared a time in his life and what it meant to him to come to this great country and what the opportunities of this great country were that enabled him to ascend first to the bench and now to the Court of Claims.

The fact that he had his family with him, the fact that it was a young family and they obviously were enjoying to a great degree his ascending to the judgeship made it so pleasant and an occasion that all of us will remember.

So I'm pleased to join my colleagues and commend Governor Paterson. Not only Judge Camacho but certainly Judge Summa and Judge Schweitzer and others, these nominees from today were a group of nominees that will be a credit to the bench and bar. I'm proud to second this nominee.

ACTING PRESIDENT MARCELLINO: The question is on the appointment of the Honorable Fernando M. Camacho, of Bayside, as a judge of the Court of Claims. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The judge is confirmed and appointed.

Congratulations, Judge Camacho.

(Applause.)

ACTING PRESIDENT MARCELLINO: Judge Camacho is accompanied by his wife, Andrea; children, Kevin, Kerry, James and Kaitlin; mother, Alicia; brother, Carlos; sister and brother-in-law Patricia and Chris Eysses; sister and brother-in-law Alicia and Frank Vasile -- see you in church, Frank -- and children Elizabeth and Ben.

Congratulations, Judge. Be well.

The Secretary will read.

THE SECRETARY: As a judge of the Court of Claims, Donald F. Cerio, of

Canastota.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination of Donald F. Cerio, of Canastota, for a judgeship in the Court of Claims.

In moving this nomination, I'll just mention that in the Judiciary Committee this morning there was some friendly bantering about who was from the best district attorney's office.

And I don't know how to judge other district attorney's offices, but I'm right next door to the Madison County District Attorney office. And I know from experience and I also know from fellow attorneys that that is a great district attorney's office, and it was a great credit to the County of Madison to have Mr. Cerio as the district attorney of that county.

And I'm confident, based upon that record in Madison County, that he's going to follow it up with a truly outstanding record as a judge of the Court of Claims.

And I would request that you

recognize Senator Valesky for a second.

ACTING PRESIDENT MARCELLINO: Senator Valesky, for purposes of a second.

SENATOR VALESKY: Thank you, Mr. President.

I'm pleased to be able to rise to second the nomination of Don Cerio as a judge of the Court of Claims. And I can assure Senator DeFrancisco that the Madison County District Attorney's office is certainly the best in the state.

A little bit of background about Judge Cerio. He was first elected as district attorney in Madison County in 1989. He has subsequently been reelected in 1993, 1997, 2001, and 2005, after having served as assistant district attorney. So his public service is certainly commendable.

He also finds time and has found time over the last several years to teach his profession to the next class of attorneys in this state. He's been an adjunct professor of law at Syracuse University's College of Law since 2001.

He is a proud graduate of the State

University of New York system, having attended Buffalo College of Law and undergraduate school at Brockport.

But I think most importantly, Mr. President, are the things that he does outside of his legal profession. He is without a doubt a quintessential family man. He is here today with his wife, Renee, and their five children. And he somehow finds time to do things like coach Pop Warner and coach Little League and be involved in the community with St. Agatha's Church in Canastota, the Knights of Columbus, the Lions Club, and so many more organizations.

He has taken it upon himself to be personally involved with a number of domestic violence and child abuse task forces.

He is someone who is worthy of our support. I want to thank Governor Paterson for this nomination.

And again, congratulations, Judge Cerio.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

The question is on the appointment

of Donald F. Cerio, of Canastota, as judge of the Court of Claims.

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The ayes have it.

Judge Cerio, congratulations.

(Applause.)

ACTING PRESIDENT MARCELLINO: Judge Cerio is accompanied today by his wife, Renee; children, Louis, Annalyse, Allison, Christian, and Francis; parents, Mr. and Mrs. Donald F. Cerio, Sr.; sister Joann Mezzoprete and her children, Lauren and Nicholas; sister Marian Cerio; and colleagues Susan Niles and Melissa Stearns.

You brought everybody. Thank you.

Congratulations and good luck.

(Applause.)

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: As a judge of the

Court of Claims, James M. Kindler, of Dobbs Ferry.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I rise to move the nomination of James M. Kindler, of Dobbs Ferry, as a justice of the Court of Claims.

And before I turn the proceedings over for a second, I just wanted to mention one last thing.

These were terrific nominations by the Governor, very good nominations. You could tell these individuals are all not only experienced lawyers, and in some cases experienced judges, but also hardworking and really good people. That came out loud and clear in the process this morning.

So I'm proud to move the last of this group -- in order only -- for this honor of being nominated to the Court of Claims. And I'd request that you recognize Senator Stewart-Cousins for a second.

ACTING PRESIDENT MARCELLINO: Senator Stewart-Cousins, for the purposes of a

second.

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

I think that certainly Senator DeFrancisco and all of my colleagues before have really talked about the great quality of judges that came before us today. And certainly, as Senator DeFrancisco says, this next nominee, whose nomination I am certainly proud to second, is certainly last but not least.

A very, very impressive resume. He was a graduate cum laude from Harvard and got his law degree from the University of Pennsylvania Law School. He served as a law clerk to the Massachusetts Superior Court before coming to New York, where he was assistant DA from 1970 to '75, deputy chief of the homicide bureau from '75 to '76, went on to be the trial bureau chief, the frauds bureau chief, the investigation division chief, the executive assistant district attorney, the first assistant district attorney, then became the chief assistant district attorney in the New York County

District Attorney's Office.

So there's 40 years of professional services, forty years of practicing on behalf of the people, certainly, in New York.

So we are very, very pleased and proud to have a new judge in the Court of Claims. And certainly I'm proud to second the nomination.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I also want to rise to say a word about Jim Kindler. Senator Valesky provoked me before -- and no offense intended towards the Madison County District Attorney's Office, but in my view, the greatest district attorney's office possibly in the history of the United States is the New York County District Attorney's Office during the last decades.

And Jim Kindler has been a tremendous part of that. In cases as diverse as People v. Smith, having to do with the rape

and murderer of a doctor, to the BCCI case, pushing the boundaries, really, of what a state prosecutor could do relating to international banking, Jim and his office have really been pioneers.

He has done great service to the people of my county for a very long time, and I think we should all be honored that he wants to continue his service to the State of New York as a judge.

Congratulations, sir, and the best to you and to all the rest of our fine nominees.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Yes, thank you, Mr. President.

First I'd like to congratulate all of the nominees today and say that again I too echo that of my colleagues that we have a fine set of judges that we interviewed today.

But I wanted to also add a word. I was not in the chamber at the time that Lisa

Bloch Rodwin was brought forward. Even though I don't live in Erie County, in reading her resume in preparation for her nomination, I read and was so pleased to see someone coming to the Family Court that has more than just law as their background.

She is someone who has an extraordinary record of working with domestic violence victims and with the whole issue of issue of domestic violence. Her varied community services make her more than fit to do an extraordinary job on this court, on the Family Court.

And not everybody is suited for the Family Court, as we found sometimes to our chagrin. But when you're talking about families and how do you dispense justice to ensure that the best happens for families, you want to be sure that you're choosing someone who really understands.

And I think that clearly from her record we have made a nomination and a recommendation of someone who I think will serve very well.

So I want to congratulate her along

with all of our others today and let her know that we are tremendously pleased with how she has spent her life and career serving the State of New York.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

The question is on the appointment of James M. Kindler, of Dobbs Ferry, as a judge of the Court of Claims. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The appointee is confirmed.

Congratulations, Judge Kindler.

(Applause.)

ACTING PRESIDENT MARCELLINO: The judge is accompanied today by his wife, Rosemary, daughters Ingrid and Sara, and granddaughter Cassie Rose.

Congratulations, Judge.

Senator Skelos.

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

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 341, by Senator Seward, Senate Print 5775A, an act to amend the Vehicle and Traffic Law, in relation to permitting holders.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 455, by Senator Seward, Senate Print 6709A, an act authorizing the Commissioner of Education.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 695, by Senator Winner, Senate Print 7145, an act to amend the Alcoholic Beverage Control Law, in relation to the sale of cider by wholesalers.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number

697, substituted earlier today by Member of the Assembly Destito, Assembly Print Number 10377, an act authorizing the Office of General Services.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 743, by Senator Flanagan, Senate Print 5590, an act to amend the Executive Law, in relation to requiring local disaster preparedness plans.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 813, by Senator C. Kruger, Senate Print 7437, an act to amend the Executive Law, in relation to the advisory council.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 831, substituted earlier today by Member of the Assembly Lancman, Assembly Print Number 7371, an act to amend the Civil Practice Law and Rules, in relation to the application.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 843, substituted earlier today by Member of the Assembly Schimminger, Assembly Print Number 10362, an act to amend Chapter 367 of the Laws of 1999, amending the Civil Practice Law and Rules.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 844, by Senator DeFrancisco, Senate Print 7318, an act to amend the Criminal Procedure Law and others, in relation to restricting.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 847, by Senator Alesi, Senate Print 271, an act to amend the Vehicle and Traffic Law, in relation to exempting.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Duane, I assume to explain your vote.

SENATOR DUANE: Thank you, Mr. President.

I applaud the goals of this legislation, and in concept it seems that it would be fine. But as I read the legislation, I was concerned that there would be no way to make sure, at least as far as I know -- though I don't have one of these cars. Although sometimes when I'm here in Albany, I wish that I did. But I don't -- that there's no guarantee that the doors would be locked.

And I think one of the reasons that this law exists is to make sure that, you know, a child or someone couldn't get into the car and drive it when, you know, obviously a child shouldn't be doing that.

So I'm going to vote no and err on the side of caution. And if that is the case, with the hope that the wording of the bill could be changed to make sure that this would only apply when it was absolutely for certain that the doors would be locked.

Thank you, Mr. President. I'll be

voting no.

ACTING PRESIDENT MARCELLINO: Senator Duane will be recorded in the negative.

Please announce the results.

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 880, by Senator Little, Senate Print 2793B, an act to amend the Education Law, in relation to continuing education.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number

881, by Senator LaValle, Senate Print 7381, an act to amend the Education Law, in relation to technical corrections.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 882, by Senator Seward, Senate Print 2085A, an act to amend the Insurance Law, in relation to revising.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Skelos, that completes the calendar.

SENATOR SKELOS: Is there any further business at the desk?

ACTING PRESIDENT MARCELLINO: The desk is clear, sir.

SENATOR SKELOS: There being no further business to come before the Senate, I move we stand adjourned until Wednesday, May 7th, at 11:00 a.m.

ACTING PRESIDENT MARCELLINO: On motion, the Senate will stand adjourned until Wednesday, May 7th, at 11:00 a.m.

(Whereupon, at 4:26 p.m., the Senate adjourned.)