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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 join me in the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT MARCELLINO: Our invocation today will be delivered by Reverend Bryant Lagoe, pastor of the Emmanuel Bible Baptist Church in Martville.

REVEREND LAGOE: Let us pray.

Dear Heavenly Father, I come before You this morning, God, thanking You for the opportunity to be here.

Lord, I thank You for Your mercy and Your grace. And, Father, I thank you that I can come before You needing nothing for myself but to pray for these people, men and women representing this great state.

Lord, I pray that You give them ready discernment and quick minds. I pray, Father, You help them, Lord, to choose the right and to defend the people of this state.

Lord, work in their hearts. Then

what they do and the decisions they make, Father, will have effect for years and years to come, that it might bring You praise, honor and glory.

For I pray this in Jesus', our Savior's, name. Amen.

ACTING PRESIDENT MARCELLINO: Thank you very much, Pastor.

Reading of the Journal.

THE SECRETARY: In Senate, May 12, the Senate met pursuant to adjournment. The Journal of Sunday, May 11, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Senator DeFrancisco.

SENATOR DeFRANCISCO: This is the report from the committee, is that what you're referring to?

ACTING PRESIDENT MARCELLINO:

Yes, sir.

SENATOR DeFRANCISCO: I rise in order to move the nominations of several judges.

The committee, the Judiciary Committee of the Senate met this morning and passed on each of their qualifications. Prior to that time we individually -- or I did -- reviewed the qualifications, the background checks and everything else, to do a thorough research on each of their backgrounds.

We interviewed each of the individuals today, and our committee voted unanimously on each of the judicial nominations and found that each of the nominees was well-qualified to be a judge in the respective court for which he or she was nominated.

With that in mind, if we could have a little order here, so I can hear myself.

ACTING PRESIDENT MARCELLINO:

Yes.

And, Senator DeFrancisco, I made a technical error. I would like to correct that

at this point in time.

The Secretary will read the report of the committee.

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

SENATOR DeFRANCISCO: First I would like to move the nomination of Ellen M. Spodek, of Brooklyn, as a justice of the Supreme Court of the Second Judicial District.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: As a justice of the Supreme Court of the Second Judicial District, Honorable Ellen M. Spodek, of Brooklyn.

ACTING PRESIDENT MARCELLINO: Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you. I apologize for being so late; I wanted to make sure to get here in time to second and speak on behalf of my very good friend Ellen Spodek.

And she does not live in my district, she lives in Brooklyn and is a proud

constituent of Martin Connor. But Ellen and I go back many years ago, from before she was a judge, and I wanted to stand to both support her becoming an interim Supreme Court judge today and to tell my colleagues how proud she will do us as a Supreme Court judge.

She has been serving already in the Brooklyn Supreme Court as an acting Supreme Court judge. She has a long and honorable history working as both an attorney with the city and in private practice, working on important issues in the Family Court system and in the Civil Court system.

And I am delighted that Governor Paterson recognized her skills and her talents and nominated her to be an interim on the Supreme Court, and I look forward to voting for her and hope that all of my colleagues will support her today.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

I rise to second the confirmation

of Judge Ellen Spodek. She is a neighbor of mine, a constituent. And I recall fondly her election in 2002 to the Civil Court.

She has distinguished herself since then, rising to be the supervising judge for the Civil Court. She's done a fantastic job at that. When she was an acting Family Court judge she did a superb job, paying particular attention to issues involving family law and supervision of youth and so on.

And she also has an extensive background in private practice prior to her becoming a judge, where she exhibited a superb knowledge of the law and a commitment to the highest standards of lawyering.

So I am indeed proud to move her confirmation. She will serve us very proudly, I know, and do a wonderful job as a justice of the Supreme Court in Kings County. I'm proud to represent her here in this body. And I know she will bring her considerable commitment, skills, and excellent judicial demeanor to serve all the people of Kings County and the State of New York as a justice of the Supreme Court.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Connor.

The motion is on the nomination of the Honorable Ellen M. Spodek, of Brooklyn, as a justice of the Supreme Court of the Second Judicial District. 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 Spodek, you are confirmed. Congratulations.

(Applause.)

ACTING PRESIDENT MARCELLINO: Judge Spodek is joined today by her parents, Jules and Hortense Spodek; her sister and brother-in-law, Susan and Ronald Glichman -- if I pronounced that incorrectly, I apologize. "Glickman"? Should make it with a K -- and niece Melanie Glichman.

Congratulations once again, Judge.

(Applause.)

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: As a justice of the Supreme Court of the Second Judicial District, Paul Wooten, of Brooklyn.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination of Paul Wooten, of Brooklyn, as a justice of the Supreme Court of the Second Judicial District.

And I would ask that you call on Senator Connor for a second.

ACTING PRESIDENT MARCELLINO: I will, if we can have a little quiet and order in the chamber.

If you have a conversation, please take it out of the chamber.

SENATOR CONNOR: Thank you, Mr. President.

I had the distinct pleasure, I think, of first meeting Paul Wooten in, oh, 1980, I guess it was, when he was actually opposing counsel in a case I handled in

Brooklyn. He was a relatively new lawyer then, I think about two years at the bar. He was a little green then, and I won the case.

(Laughter.)

SENATOR CONNOR: But what he did exhibit is something that he has maintained consistently throughout his professional career, and that is a fantastic demeanor, gentlemanly conduct, and caring for his clients.

Subsequently, I guess it was two years after that, Paul was the lead counsel in a case called Flateau against Anderson -- yes, that Warren Anderson. It was a redistricting case in which I intervened as Senator Ohrenstein's counsel on the same side as Paul.

And I saw him carry out that case to fruition, to the point where a special master was convened by a three-judge federal court to draw our lines. It was later resolved the old-fashioned way, but certainly wouldn't have been but for the court case.

Subsequently, I've appeared with, against, and at the same time as Paul in many, many cases. He's always, with one exception,

shown extraordinary judgment, and that exception was when he represented my primary opponent in 1992. But I forgive him for that.

And I've certainly, in addition to the cases where we've either been opposing counsel or on the same side, I've also been in many a courtroom when Paul had a different case than I had but I observed him doing his fine work.

He has, as counsel, brought leading civil rights and voting rights cases in New York State, significant cases that have gone -- one I'm certainly aware of; I think there may have been another one -- to the Supreme Court of the United States, one of which cured a constitutional defect in the entire governance of New York City. And he has just established a fantastic record.

And despite all the accolades that he so well deserves and the recognition he has gotten for his landmark litigation which he has brought, he has always maintained and I know throughout the bar in the County of Kings, and indeed in many other counties where he has appeared -- and there have been quite a

few of them -- he has a reputation as a gentleman, as a cordial opponent, yet one who is vigilant in asserting the rights of his clients.

So I am indeed honored to second the confirmation of Paul Wooten. I congratulate the Governor, Governor Paterson on this appointment, as well as I guess I forgot to congratulate him for the last appointment. But these are two great appointments to the Supreme Court in Kings County from our great Governor.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Connor.

Senator Smith.

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

Let me first congratulate the Governor on a superb selection, one which is well-deserved. Mr. Wooten probably has represented three-quarters of this chamber in our conference. His decisions, his appearances on behalf of civil rights issues have, as my colleague Senator Connor said,

have been landmark in many cases.

We have a number of guests who are here, which speaks to how exciting, how privileged we are. I see Councilman Vann, former Assemblyman in the chamber, I see Assemblywoman Nettie Robinson, I see Councilwoman Una Clarke.

I understand he has family members who are here with him also, his father, James Wooten -- where is your father? I want to see this young man. Father Wooten. Oh, no, you look just like him, too.

(Laughter.)

SENATOR SMITH: His father, Mr. Wooten; Lynne Elfe; Akilah Elfe Wooten, his daughter. Una Clarke, his godmother, is here.

And Senator Connor talked about some of the cases that he was involved with. He talked about, I guess, the decision, as many of us know, with Anderson. He talked about, in particular, one case that I want to cite that I thought became very important to many of us who are here and some of our City Council members, Andrews versus Koch, which

was all about the "one person, one vote," which violated the 14th and the Fifth Amendments of the Constitution, where they had councilmen at large.

And Mr. Wooten saw fit to take this on when many people thought he was crazy. They thought, how could he take on City Hall, how could he take on the entire establishment? And he took that on and won the entire case.

Mr. Wooten has represented me myself. I daresay to my colleagues on the other side of the aisle, had it not been for Mr. Wooten, maybe I wouldn't be here right now and you wouldn't have to dislike me.

(Laughter.)

SENATOR SMITH: However, however, we are very proud of this appointment by the Governor. I can't tell you, Mr. Wooten -- who I'm now calling Judge Wooten -- how satisfied I am and what it means in my heart, what it means to many of our members who know him as not only a lawyer, but know him as a person who his heart and his mind and the level of integrity that he has is second to none.

I am just sorry that my good friend

and colleague Assemblyman Vann, Councilman Vann now, can't be standing here and provide the kind of statement on behalf of this man, because I know you know the history, you know all from where he's come, you know those hard-fought basement moments in Brooklyn where you're downstairs in the basement and when you had to look at petitions and you had to get those early mornings of being caught, and you had all of the county organizations on the opposite side of that fence, as you did in Queens for me.

Many people won't understand that moment, but I do. I know my wife and I were on the run when they wanted to serve us to be in court the next day, and this man here made sure that we were covered. And many people don't know those kind of stories, but I know those stories. My wife still holds the county organization against that, as a matter of fact.

But I will tell you, the judge, I am so proud. And again, to the Governor, you could not have picked a more worthy individual.

Your time has come, there is no question about it. This judgeship for you clearly could have happened before, but I think it's very fitting that the first African-American governor had the opportunity to make you a Supreme Court justice.

And I will just tell you, I am never so proud of this day other than the fact when my good friend Senator Paterson, who is now the Governor, took the oath of office.

So to you, to your family, to my colleagues Assemblywoman Annette Robinson, to Councilman Al Vann, Una Clarke, this is a great day for us, it's a great day for Brooklyn, and I am glad that you are here in the chambers to hear all the things that people want to say about this great judge that we're going to have.

Judge, congratulations to you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Smith.

Senator Adams.

SENATOR ADAMS: Thank you, Mr. President. I want to also rise.

I think the state's gain is my

loss. I'm losing my attorney, and he's becoming a judge.

And I want to join Senator Smith in acknowledging the presence of my political mentors, both Councilman Vann and Assemblywoman Robinson and Councilwoman Clarke. And I think we saw also Assemblyman Towns that walked into the room as well. It just goes to show you the love and support we have for Judge Wooten.

I think that justice is supposed to be blind, but the process must have sight to see. And clearly our Governor saw the competency, he saw the fairness, he saw the commitment, he saw the dedication, he saw the longevity, he saw the importance of not only putting a black man in a black robe, but putting a qualified person to diversify the bench, with so many people that come before them feel as though they don't see or feel justice.

And I think the appointment of Paul is the process that starts to allow some countless young people that come before the bench to see that not only can they come

before the bench with handcuffs on, but they can come before the bench to wear a black robe and to participate in administering a fair level of justice, born and raised in the borough of Brooklyn, planting the seed of so many political figures that sit behind these desks here.

We admire Paul, we are happy for Paul, we appreciate Paul. And most important, we believe the state will learn to respect and love Paul.

Congratulations to you, Judge Wooten.

ACTING PRESIDENT MARCELLINO: Senator Parker.

SENATOR PARKER: Thank you, Mr. President. On the nomination.

Let me add my voice to the chorus of those who are congratulating Governor Paterson on this great appointment. We are standing here really on the brink of history. And I again also want to acknowledge some of our guests, former Assemblyman, now Councilman Al Vann; Assemblywoman Robinson; Assemblyman Towns; and my political mentor, former

Councilmember Una Clarke.

My first political campaign in the State of New York was working for Una Clarke when she ran for the City back in like 1990, '91. And I had never really worked on many campaigns at that point, and the attorney on that case working that election was Paul Wooten.

And I learned so much in that one moment, in that time. Mostly how to keep my mouth shut and how to pay attention to the details. You know, Paul Wooten is a taskmaster when it come to the details, and somebody who is -- and this is what made him just such a fine jurist.

I got to know him not just as an attorney on other cases, but he's been my attorney, both on election matters and some personal matters.

But outside of heading his own law firm, you know, he's been admitted to the bar since 1978, admitted to the bar of both the U.S. Supreme Court, the U.S. District Court, the Eastern and Southern District Courts for over 20 years.

His office presently specializes in federal and civil litigation affecting the areas of civil rights, ballot access, public policy, and community-based organizations. Just so you understand how important Paul Wooten is, that of all of the ballot access cases that happen in the United States, 50 percent of them happen in New York.

That's not the impressive part. Of the 50 percent, of all the 100 percent that happen in New York, 50 percent of all the ballot access cases that happen in the State of New York happen in Brooklyn. And that there is nobody who has been more on the front lines in dealing with those cases than Paul Wooten.

And so his firm has really been at the vanguard of making sure that people's rights and that ballot access has been achieved, particularly for people in the African-American and Latino communities.

He's represented tons of candidates. In 1981 he was a counsel to the New York State Black and Puerto Rican Legislative Caucus. In 1982, he was the

lead-plaintiff counsel in Flateau vs. Anderson, a case in 2005, candidate for public office of Kings County. In 1989 he was appointed the first deputy counsel for the 1989 and '90 charter revision committee. In 1992 he was the attorney for the plaintiff Congressman Major R. Owens and various class-action residential and minority-class voters for the 10th and 11th Congressional Districts.

He's taken on cases for the Puerto Rican Legal Defense Fund versus David Gantt. In 2006 he ran as a candidate for election for the U.S. Supreme Court in Brooklyn. He has litigated and advised major cases in New York City and New York State, redistricting and reapportionment schemes that have impacted to improve the lives of over 17.5 million New Yorkers.

He has been, you know, a lecturer on the law and recently conducted Election Law seminars in the Supreme Court.

I recently had an opportunity to honor him at this year's Black, Puerto Rican and Hispanic Legislative Caucus Weekend, where

we gave him a public service award for all of his work. We did not know at that point that that was going to be the prelude to making history in Brooklyn.

He is Brooklyn's own Thurgood Marshall. It is only right to see him elevated to the Supreme Court. I congratulate him. I congratulate his family. And I congratulate the people of the State of New York on adding such a high-quality person, an individual of character, as we have in Paul Wooten.

Congratulations. We love you. And we're going to miss you in the courts battle on the front lines.

ACTING PRESIDENT MARCELLINO: Senator Hassell-Thompson.

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

My colleague Senator Parker has left me very little to say, which is very unusual. However, for Paul Wooten there's always something else to be noticed.

Paul Wooten came to assist Senators here in the State of New York to help us

through the redistricting process, and that was an amazing process. I had been in redistricting before, but never quite this up close and personal.

And I came away from that really understanding the Voting Rights Act better than I've ever understood it before. And it also helped me to reestablish that I believe is my role here in the State Senate.

And today, when I had the opportunity to second his nomination in Judiciary as its ranking member, I could not have been more proud to know that we had taken a major step toward -- and Parker even stole my line -- of creating for the State of New York today's Thurgood Marshall.

It is not an overexaggeration to give that title to him for all of the honest commitment and work and service that he has given to the people of this state, but particularly to those of people of color. And he has made sure that when he went into the court, he was totally prepared and he brought justice to every case that he tried. That is something that makes him very worthy and

something that's transferable to when he sits --

ACTING PRESIDENT MARCELLINO: Excuse me, Senator.

Can we have some order, please. Can we take the conversations out of the chamber, please. We need a little quiet so we can do these nominations and hear the speeches.

I'm sorry, Senator.

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

I will wrap this up by just merely saying that the justice that people have received on this side of the bench guarantees that they will receive it on the other side of the bench.

And I am very proud to be one of those who is seconding his nomination in these Senate chambers today, because I know that the State of New York is getting a good jurist in Paul Wooten.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Is there any other Senator wishing to be heard on

this nomination?

Senator Montgomery.

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

I want to rise to also join my colleagues in seconding and supporting this nomination of a great young jurist.

I want to also thank the Governor for his vision, if you will. He certainly -- he is blind, but he is very wise and he sees a lot. So this is one of the things that I can say in no uncertain terms, that he has seen very well.

And I also want to thank a colleague who is a colleague currently in the City Council, but formerly in the State Assembly, and that's Mr. Vann, Councilmember Al Vann.

I think that of all of us in Brooklyn and throughout the state, all of those of us -- and many of us, most of us have enjoyed the brilliance of Paul Wooten's work on many levels. But I seem to remember that it was under the tutelage of Councilman Al Vann that this young man got his start.

It was the mentoring, and I think that it was the way that Al works with young people to give them an opportunity to grow and develop while he sort of gently guides them and shows them what it means to have integrity and to be committed to their people.

So I thank you, Al, for that. And this certainly is, while we are giving him so many accolades, it is the fruit of your work with him and the guidance with him.

And I am extremely proud to be able to say to this young man, Paul Wooten, that congratulations on your appointment as judge of the Supreme Court of the State of New York.

ACTING PRESIDENT MARCELLINO: Is there any other Senator wishing to be heard?

Senator Perkins.

SENATOR PERKINS: Mr. President, I didn't want to speak because --

ACTING PRESIDENT MARCELLINO: Thank you.

SENATOR PERKINS: On second thought, I might have more to say than I thought.

But so much has been said that I

would have wanted to say myself.

But let me first thank Paul for the service he has rendered before it was even recognized.

And I want to congratulate him and his family, and especially the folks from the People's Republic of Brooklyn, on this momentous occasion.

As I indicated at one point, you know, Paul is like a warrior lawyer, someone who dared to fight the establishment when it was wrong and turned out to win, and has worked very hard in the vineyards as a lawyer and has proven that you can do that, be respected, and ultimately be successful in more than one way, not just in winning those cases but being recognized, once again, by the establishment, such as this august body, to be someone that should be at the highest levels of our system as a Supreme Court judge, and thus becomes a role model for so many others who are moving into the profession and will therefore be inspired and emboldened to realize that you can the right thing and win in more ways than one.

Congratulations and thank you so much for all that you've done.

ACTING PRESIDENT MARCELLINO: Any other Senator wishing to be heard?

Seeing none, Senator DeFrancisco to close.

SENATOR DeFRANCISCO: Yes, I don't know Paul Wooten, but I have the feeling that he's an individual that gets to the point. And he's probably wondering when we're going to get to the point and have a vote. That seemed to be going through his mind as I was watching him during these accolades.

But I have to -- and if you'll suffer one comment, I have to set the record straight. Because after Senator Connor, at the Judiciary Committee meeting, mentioned that he beat you in an election law case, I think the record has to be complete that Mr. Wooten, soon to be Judge Wooten, had his fair share of victories against our esteemed Senator as well.

(Laughter.)

SENATOR DeFRANCISCO: So with the record complete, I wish you would call for a

vote at this point in time.

ACTING PRESIDENT MARCELLINO:

Thank you, Senator.

The question is on the nomination of Paul Wooten, of Brooklyn, as justice of the Supreme Court of the Second Judicial District.

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO:

Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO:

Judge Wooten, you are confirmed.

Congratulations, sir.

(Standing ovation.)

ACTING PRESIDENT MARCELLINO:

Judge Wooten is accompanied by his father, James Wooten; significant other -- the script's words, not mine -- Lynn Elfe; daughter, Akilah Elfe Wooten; godmother Una Thomlinson-Clarke; godmother Devya; New York City Council members Al Vann, Dan Simonette, Gail Kearney and William Robinson, and Wayne Raggae.

Again, congratulations, Judge.

(Applause.)

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: As a judge of the Westchester County Court, Susan M. Capeci, of Mount Vernon.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move the nomination of Susan M. Capeci as a judge of the Westchester County Court.

And I would ask you to call on Senator Hassell-Thompson to second the nomination.

ACTING PRESIDENT MARCELLINO: I will do that in one moment, Senator.

If we could -- please, if we could take the congratulations -- thank you very much.

Senator Hassell-Thompson, on the nomination.

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

I rise to second the nomination of Susan Capeci for County Court in Westchester

County.

Susan is a young woman that I know from the City of Mount Vernon. As hometown girls, as we say, it gives me great pleasure to be here and have this opportunity to second her nomination and to say to this body as a whole that I congratulate the Governor on this choice as well, for someone who has committed and dedicated her life to the law and also to a sense of justice to people.

She has been not only involved in all the things that you'll see in her resume, but more than that, she has committed herself to people. And she believes in justice and fairness, and she believes that the law is a tool to use not in a punitive way but in a just way.

And so I am very grateful to the Governor and to this body for her nomination, and I request that my colleagues vote with me unanimously to make Susan Capeci the next County Court judge in the County of Westchester.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO:

Thank you, Senator Hassell-Thompson.

Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Yes, thank you, Mr. President.

I also rise on behalf of Susan Capeci. I represent Westchester. I don't live in Mount Vernon, so she's not, as Senator Hassell-Thompson would say, my homegirl. But she is, in many ways, because you don't have to live in Mount Vernon to have been touched by the work that she brings to the entire county.

Whether it's working on behalf of incarcerated women, whether it's working on behalf of children whose circumstances need a little boost and a little support, whether it's working and toiling in the vineyards, making sure in the Yonkers Lion's Club that your capacity is felt -- wherever you are in Westchester, you've probably felt the work of as Sue Capeci.

She will serve us well as a Westchester County judge.

And I really am not only happy about your nomination, but I want to say that

again our Governor has presented us with such a wonderful slate of judges that we will be in very, very good hands judicially.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Any other Senators wishing to be heard?

The question is on the nomination of Susan M. Capeci, of Mount Vernon, as judge of the Westchester County Court. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The ayes have it.

Congratulations, Judge Capeci. You are confirmed.

(Applause.)

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: As a judge of the Nassau County Court, Honorable Norman St.

George, of Garden City.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I would move the nomination of Norman St. George as a judge of the Nassau County Court, and I'd ask that you please call on Senator Skelos to second the nomination.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Thank you very much, Mr. President and Senator DeFrancisco.

It's my pleasure to second the nomination of Norman St. George as judge of the County Court in Nassau County.

One of the great things about today, not one of the nominees talked to us about a pay raise. So we appreciate that, although we've heard from many of your colleagues throughout the past six months.

But Norman is a very unique person, a good person -- a trial lawyer, a person who served in the district attorney's office, and now presently a District Court judge. He's a gentleman, and I believe that this body should

confirm him and that Governor Paterson has made an excellent recommendation for confirmation.

So, Judge, I congratulate you on your elevation. Good luck, and hopefully none of us will ever appear before you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator C. Johnson.

SENATOR CRAIG JOHNSON: Thank you, Mr. President. I rise today to also second the nomination of my good friend Norman St. George for the County Court.

I've had the privilege of being in the trenches with Judge St. George when he was an attorney in private practice, and I've had the pleasure of working with him on a number of issues.

His resume speaks for itself, whether it was as an assistant district attorney in Nassau County, whether it was in private practice or what he's been doing for the last couple of years, serving as a District Court judge in Nassau County, where he was responsible for establishing the first

domestic violence misdemeanor court that ever existed in Nassau County. And for the past number of years, he's been presiding over all of the misdemeanor DWI offenses.

But you have to go beyond the resume, and I feel it's important to speak to those who appear before Judge St. George on a regular basis and ask for their opinion on what kind of temperament, what kind of judge he has been and he will be. And what I received are these fine adjectives: "Honest," "fair-minded," "knowledgeable," "operates his courtroom extremely efficiently," and -- the most important thing for many lawyers -- "punctual on the bench."

I commend Governor Paterson on this nomination. He will make a fine County Court jurist, one that we can all be proud of. So it's my pleasure today again to second his nomination. I look forward to voting for him in the affirmative.

Congratulations to you, Judge St. George, to your wife, Carman, and I welcome also your good friend Bobby Kumar today here to our chamber.

Thank you very much.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Johnson.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

I want to just echo the sentiments of my colleagues Senator Skelos and Senator Johnson. And the qualities that they've talked about a new judge is what's sorely needed on the bench.

I'm not an attorney, so it's easy for me to say this. I think it's disgraceful that all I read about in the papers about judges is they won't hear cases from attorneys that are members of law firms because they didn't get a raise and they say it's a conflict of interest.

I often wonder, when they get the raise, is it not a conflict of interest then to hear it? I think it's taken a little bit off the -- what I always held the judges' in the judiciary to be high standards.

I just ask that you continue on the path that you've always continued on, with the

honesty that you've always demonstrated on the bench. I congratulate you, and I wish you the best of luck.

ACTING PRESIDENT MARCELLINO: Any other Senators wishing to be heard?

Seeing none, the question is on the Honorable Norman St. George, of Garden City, as judge of the Nassau County Court. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: All opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The ayes have it.

Judge St. George, congratulations. You are confirmed.

(Applause.)

ACTING PRESIDENT MARCELLINO: Judge St. George is accompanied by his wife, Carman, and his friend and my friend Bobby Kumar. Congratulations, Judge.

Can we now go to reports of select committees.

Communications and reports from

state officers.

Motions and resolutions.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

On behalf of Senator Volker, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Number 3493.

ACTING PRESIDENT MARCELLINO: So ordered, Senator.

SENATOR BONACIC: Mr. President, we have moved to amend a bill on the calendar third reading. On behalf of Senator Fuschillo, on page number 47, I offer the following amendments to Calendar Number 955, Senate Print Number 1634A, and ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: The amendments are received.

SENATOR BONACIC: Mr. President, on behalf of yourself, Senator Marcellino --

ACTING PRESIDENT MARCELLINO:

Who?

SENATOR BONACIC: -- I ask that we make a motion to amend a bill also on calendar third reading. On page number 41, I offer the following amendments to Calendar Number 886, Senate Print Number 6940, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: The amendments are accepted.

SENATOR BONACIC: And last but not least, Mr. President, on behalf of Senator Young, we move to call Bill Print Number 3714A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 82, by Senator Young, Senate Print 3714A, an act to amend the Agriculture and Markets Law.

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

ACTING PRESIDENT MARCELLINO: The Secretary will call the roll on

reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

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

ACTING PRESIDENT MARCELLINO: The amendments are accepted.

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

ACTING PRESIDENT MARCELLINO: You're welcome.

Senator Skelos.

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

ACTING PRESIDENT MARCELLINO: The Secretary will read the substitutions.

THE SECRETARY: On page 48, Senator Larkin moves to discharge, from the Committee on Agriculture, Assembly Bill Number 5973 and substitute it for the identical Senate Bill Number 2019, Third Reading Calendar 967.

And on page 57, Senator Flanagan moves to discharge, from the Committee on

Commerce, Economic Development and Small Business, Assembly Bill Number 9459 and substitute it for the identical Senate Bill Number 6501, Third Reading Calendar 1068.

ACTING PRESIDENT MARCELLINO: The substitutions are ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, please recognize Senator Duane.

ACTING PRESIDENT MARCELLINO: Senator Duane.

SENATOR DUANE: Thank you very much, Mr. President. And thank you very much, Senator Skelos.

We are very honored today to have in the chamber today Ambassador Kenneth Liao, from Taiwan.

And as many of you know, Taiwan is a very, very vibrant democracy and a good friend of our country. I also have to add that Taiwan is a very, very strong and vibrant trading partner with New York State -- in fact, an enormous trading partner with New York State -- and therefore a great friend of New York State.

And I'm very pleased that they are here visiting us in the capital of the Empire State, and I am hoping that you will give a warm welcome to Ambassador Kenneth Liao of Taiwan.

(Applause.)

SENATOR DUANE: And he is joined by Simon Sung, who is the director of the Taipei Economic and Cultural Office in New York, and James Wei, who is the director of the Taipei Economic and Cultural Office in New York.

And I want to thank you very much for coming here to visit with us today, and we'll see you soon. Thank you.

ACTING PRESIDENT MARCELLINO: Gentlemen, on behalf of the Senate, we wish you well. Thank you for coming. We appreciate you being here, and safe home and godspeed.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a Resolution 5712, by Senator Klein, that was previously adopted by the Senate. If we could have it read in its entirety at this

time.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: By Senator Klein, Legislative Resolution Number 5712, commemorating the Declaration of the Independence of Kosova.

"WHEREAS, New York State and the international community recognize that a right to self-determination exists as a fundamental right of all people; and

"WHEREAS, It is the sense of this Legislative Body to commemorate the Declaration of Independence of Kosova on Sunday, February 17, 2008, and to recognize the large population of ethnic Albanian emigres from Kosova living in the State of New York; and

"WHEREAS, The declaration of Kosova's independence from Serbia sent tens of thousands of Albanians into the streets in Kosova and around the world in peaceful celebration of what they hope is the end of a long struggle for freedom and national self-determination; and

"WHEREAS, From the occupation of Kosova in 1989, until the NATO air strikes against the Serbian regime of Slobodan Milosevic in 1999, the Albanians of Kosova were subjected to brutal treatment, forcing approximately 400,000 to flee to Western Europe and the United States, the majority of whom settled in New York State; and

"WHEREAS, Almost 1 million Kosovar Albanians were driven out of Kosova, and at least 10,000 were murdered by Serbian paramilitary and military forces under the former Serbian dictator and later indicted war criminal Slobodan Milosevic; and

"WHEREAS, The United Nations established Kosova as a protectorate under Resolution 1244 in June 1999, ending the decade-long Serbian occupation of Kosova and Milosevic's genocidal war against Albanians, and provided an interim international civil presence that, in a final stage, would facilitate a political process designed to determine Kosova's final status; and

"WHEREAS, After almost two years of negotiations between Serbia and Kosova with

international envoys, Kosova declared its independence on February 17, 2008, with the support of the United States and Western Europe; and

"WHEREAS, The 92 percent majority Albanian state of Kosova is committed to a Western-style democracy in which all citizens, regardless of ethnicity, are protected and granted full human and civil rights, as put forth in Kosova's new constitution; and

"WHEREAS, President George W. Bush, on behalf of the American people, recognized Kosova as an independent and sovereign state and congratulated its citizens for having taken this important state in their democratic and national development; and

"WHEREAS, This Legislative Body recognizes certain events that exemplify the power of the human spirit to overcome oppression, and today, the people of this great Empire State pay just tribute to the people of Kosova upon the declaration of their independence; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate

the Declaration of the Independence of Kosova on February 17, 2008; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Albanian American Civil League."

ACTING PRESIDENT MARCELLINO: Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

I'd also like to thank our Deputy Majority Leader, Senator Skelos, for allowing me to speak on this resolution briefly commemorating the Declaration of the Independence of Kosova.

Today we recognize and celebrate a truly incredible notion, freedom and self-determination, because on February 17, 2008, the people of Kosova declared their independence from Serbia. The tumultuous history of the Kosova Albanians is a tragic one and cannot be summed up in a few phrases here in this chamber.

However, it is important to highlight the struggle to independence because it is that which makes February 17th as well

as today so important.

Here to celebrate today with us is former Congressman Joe DioGuardi and his wife, Shirley Cloyes DioGuardi. Amongst the many great things they have done for the community, in 1989 they founded the Albanian American Civic League.

The league is a volunteer-based organization which strives to represent the concerns of Albanian Americans and the national cause of 7 million Albanians living in harmony overseas and here at home.

It is groups like the Albanian American Civic League that have aided in the achievement of full human and civil rights for all citizens of Kosova as put forth in Kosova's new Constitution.

I'd like also like to say that over the years, in my career in public service, I've had the privilege of always representing a large number of Albanian Americans. And just to watch the immigrant experience, you can't find another ethnic group that has done so well in the assimilation process. They come here and very quickly start their own

businesses, become very self-sufficient.

And I think the reason why they've been so successful here in our United States is something very simple. It's a sense of family, it's a sense of community, and, most of all, a love of America.

I think the reason why also they're so successful is they remember who they are and where they came from. They remember their illustrious heritage but at the same time are proud to be Americans.

I'd like to just recognize some of the outstanding Albanian American leaders we have here today. As I said before, former Congressman Joe DioGuardi, who represented Westchester County in Congress, and his lovely wife, Shirley.

We also have with us Arslan Cekaj, who's a member of the board; Mark Gjonaj, another member of the board of the Albanian American Civic League; also Eduard Kepi, Klotilda Kepi, Marko Kepi, Ismet Redzepagaj, Beqir Sina, and also Nataliya Scotce.

Let's give them a big hand for joining us today on this truly momentous

occasion. Thank you.

(Applause.)

SENATOR KLEIN: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: This resolution was previously adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a resolution at the desk by Senator Morahan, Number 5888. If we could have the title read and move for its immediate adoption.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: By Senator Morahan, Legislative Resolution 5888, memorializing Governor David A. Paterson to proclaim May 17, 2008, as Thurgood Marshall Day in the State of New York.

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

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The ayes have it; the resolution is adopted.

Senator Skelos.

SENATOR SKELOS: There's a resolution at the desk, 5831, by Senator Connor. If we could have the title read and move for its immediate adoption.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

Senator Skelos.

SENATOR SKELOS: Senator Morahan's resolution, we'll open it for cosponsorship. If anybody wishes not to sponsor the resolution, they should notify the desk.

ACTING PRESIDENT MARCELLINO: Anyone not wishing to sponsor the previous resolution just notify the desk. Otherwise, everyone will be put on the resolution.

The Secretary will read.

THE SECRETARY: By Senator Connor, Legislative Resolution Number 5831, commemorating the 125th Anniversary of the Brooklyn Bridge.

ACTING PRESIDENT MARCELLINO: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Are you going to try to sell us a bridge?

(Laughter.)

SENATOR CONNOR: Well, you know, 25 years ago I stood on this floor for a solid two hours, with some assistance from some of my colleagues, as we debated a bill related to the 100th anniversary of the Brooklyn Bridge. A few of you may have been here who remember that.

I won't repeat all those remarks about how famous the Brooklyn Bridge is throughout the world. At the time, I pointed out that I'd been informed that the number-one chewing gum in Italy is called Brooklyn Bridge. Subsequently I, with my children, was in Rome, and they got a real thrill, being Brooklyn kids, buying that chewing gum. They didn't chew it, either; they have it as souvenirs.

But it was 125 years ago the

completion of the Brooklyn Bridge, the product of brilliant engineering by John A. Roebling and his son, Washington Roebling, whose wife supervised the actual construction of the bridge.

The bridge really was the first span connecting, obviously, the island of Long Island, of which Brooklyn was and remains the premier site, to Manhattan, and then through Manhattan to the mainland, ultimately, of the United States, which we pick up when we hit the Bronx.

So while this resolution is sponsored by the entire delegation from Brooklyn, I would certainly invite my colleagues from Manhattan, to whom the bridge joined us physically, if not politically, until later in the Great Mistake of 1898, as we call it in Brooklyn.

And it also joined all of Long Island to Manhattan, so if my Long Island colleagues wish to be associated with this, I would open it up.

And thus through Manhattan we were joined to the entire rest of the state of

New York except for Staten Island. I think Senator Lanza is the only one who's going to get left out of this, because Senator Savino has part of Brooklyn. But he can join too. So anyone who would like to join, we are celebrating the 125th anniversary.

This resolution takes a little different tack with respect to that celebration. You know, past resolutions went on and on and on about the role of the Roeblings, which of course is the subject of several books, including the book called "The Great Bridge."

This resolution also mentions young David Bernard Steinman, a newsboy who sold newspapers in the shadow of the bridge, and indeed hung out under the bridge with fellow newsboys and used to look up and say: "Someday" -- this is a kid from Brooklyn -- "someday I'll build a bridge like this," to which of course his friends laughed.

He then went on to become the premier expert on the aerodynamics of suspension bridges when he grew up and was the bridge designer and engineer for 400 bridges

throughout the world, including the Hell Gate Bridge, the Henry Hudson Bridge, the Marine Parkway Bridge, the Thousand Islands Bridge, Kingston-Rhinecliff Bridge, and many, many, many other bridges. As I say, 400 bridges, inspired by this bridge, this pioneer bridge, the Brooklyn Bridge, in whose shadow he worked selling newspapers.

The Brooklyn Bridge today accommodates six lanes of automobile traffic carrying approximately 145,000 vehicles per day. And it has a beautiful, wonderful separate walkway over which many people can and do walk every day, and which bicyclists can also use.

I live a few blocks from the bridge. I've walked over it many times. It's been -- actually Mr. Steinman, between 1944 and 1954, was in charge of the reconstruction of the bridge, redoing the wires and so on, cables. The bridge was prettied up and improved 25 years ago for the 100th anniversary of the bridge.

It remains worldwide -- I think when it was first built, it was referred to as

the 8th Wonder of the World, and it certainly remains dear in the hearts of all of us.

So, Mr. President, this resolution, I urge its passage and invite my colleagues to join in as we celebrate the 125th anniversary of this wonderful bridge. There it stands, strong, majestic and toll-free.

Thank you, Mr. President.

(Laughter.)

ACTING PRESIDENT MARCELLINO: The question is 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 carried.

And Senator Connor has asked and offered that the resolution be cosponsored to all in the chamber. Anyone wishing not to be on the resolution please notify the desk.

Senator Skelos.

SENATOR SKELOS: Mr. President, Senator Bruno has a resolution at the desk,

5886. If we could have the title read and move for its immediate adoption.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 5886, establishing a plan setting forth an itemized list of grantees for the New York State Economic Development Assistance Program established pursuant to an appropriation in the 2008-2009 state fiscal year and in Part QQ of Chapter 57 of the Laws of 2008.

ACTING PRESIDENT MARCELLINO: The Secretary will call the roll on the resolution.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MARCELLINO: The resolution is adopted.

Senator Skelos.

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

ACTING PRESIDENT MARCELLINO: The Secretary will give us the noncontroversial

reading of the calendar.

SENATOR SKELOS: Mr. President, if I could, there's a separate Resolution Calendar. I move that we adopt it at this time.

ACTING PRESIDENT MARCELLINO: I'm sorry. The motion is on adopting the separate Resolution Calendar. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The Resolution Calendar is adopted.

Let's proceed on to the noncontroversial reading of the calendar.

THE SECRETARY: Calendar Number 664, by Senator Robach, Senate Print 7034A, an act to amend the Parks, Recreation and Historic Preservation Law, in relation to creating.

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, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 708, by Senator Griffo, Senate Print 7167, an act to amend the Highway Law and the Vehicle and Traffic Law, in relation to maintenance.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 120th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 755, by Senator Golden, Senate Print 3440A, an act to amend the Civil Rights Law, in relation to prohibiting.

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, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 951, by Senator Larkin, Senate Print 231, an act to amend the Vehicle and Traffic Law, in relation to fees and charges.

ACTING PRESIDENT MARCELLINO:

Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number

953, by Senator Alesi, Senate Print 282, an act to provide for the creation of a temporary state commission.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 956, by Senator Young, Senate Print 2036A, an act to amend the Tax Law, in relation to providing.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 961, by Senator Volker, Senate Print 4491, an act to amend the Executive Law, in relation to payment.

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, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 972, by Senator Young, Senate Print 8004, an act to amend the Agriculture and Markets Law and the Education Law, in relation to farm conservation practices.

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, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 975, by Senator Bonacic, Senate Print 7223, an act to amend the Arts and Cultural Affairs Law, in relation to creating.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 977, by Senator Skelos, Senate Print 436, an act to amend the Penal Law, in relation to establishing.

ACTING PRESIDENT MARCELLINO:

Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

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

SENATOR MONTGOMERY: Yes, Mr. President, I just want to point out to you and my colleagues that this legislation, while it -- I'm sure that the intent is to try and secure people on college campuses or any school ground, to secure the people who are there for totally legitimate reasons, it does create in certain instances a felony for a person to step onto the school grounds, including college and university grounds, campuses.

And while there are three different levels of seriousness of a sex offender, all levels are required to register as sex offenders.

So in fact we could be creating a

situation where a young person who was required to register because they were deemed to be a sex offender, even though it's Level 1, and it could have been twenty years prior or two years prior or whatever, that young person is still registered as a sex offender and will not be able to go onto a college campus.

So I'm going to oppose this, and I ask my colleagues to join me in voting against this legislation. I think it just goes too far.

Thank you.

ACTING PRESIDENT MARCELLINO: Announce the results, please.

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 980, by Senator Marcellino, Senate Print 603, an act to amend the Criminal Procedure Law, in relation to evidence.

ACTING PRESIDENT MARCELLINO:

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 981, by Senator Flanagan, Senate Print 697, an act to amend the Penal Law and the Correction Law, in relation to endangering the welfare of a child.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number

983, by Senator Maziarz, Senate Print 947B, an act to amend the Penal Law, in relation to crimes of criminal possession.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 984, by Senator Padavan, Senate Print 1601A, an act to amend the Penal Law and others, in relation to presumption of possession.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 10. This act shall take effect on the first of November.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 984 are Senators Duane, Hassell-Thompson, Montgomery and Perkins. Also Senator Schneiderman.

Ayes, 56. Nays, 5.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 988, by Senator Skelos, Senate Print 2086, an act to amend the Penal Law, in relation to concurrent and consecutive terms of imprisonment.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 989, by Senator Nozzolio, Senate Print 3668, an act to amend the Penal Law, in relation to the crime of aggravated harassment.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 989 are Senators Duane, Hassell-Thompson, L. Krueger, Montgomery and Perkins.

Ayes, 56. Nays, 5.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 996, by Senator Volker, Senate Print 7409, an act to amend the Criminal Procedure Law and the Family Court Act, in relation to fingerprinting.

ACTING PRESIDENT MARCELLINO:

Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 180th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 996 are Senators Dilan, Duane, Hassell-Thompson, Montgomery and Perkins.

Ayes, 56. Nays, 5.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 998, by Senator Volker, Senate Print 7415, an act to amend the Penal Law, in relation to unlawful weapons.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1001, by Senator Seward, Senate Print 7548, an act to amend the Criminal Procedure Law, in relation to permitting.

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, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1011, by Senator Trunzo, Senate Print 1484, an act to amend the Vehicle and Traffic Law, in relation to form of number plates.

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, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1014, by Senator Fuschillo, Senate Print 5315, an act to amend the Vehicle and Traffic Law, in relation to additional penalties.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1015, by Senator Maltese, Senate Print 6244, an act to amend the Transportation Law, in relation to the granting of immunity.

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, 60. Nays, 1. Senator Connor recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1043, by Senator Alesi, Senate Print 274, an act to amend the Correction Law, in relation to penalty.

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. Nays, 2. Senators Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1057, by Senator Skelos, Senate Print 2460, an act to amend the Correction Law, in relation to requiring.

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: Those recorded in the negative on Calendar Number 1057 are Senators Duane, Montgomery, Parker and Perkins.

Ayes, 57. Nays, 4.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1068, substituted earlier today by Member of the Assembly Christensen, Assembly Print Number 9459, an act to amend the Economic Development Law, in relation to assistance.

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, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Skelos, that completes the reading of the calendar.

SENATOR SKELOS: Mr. President, if we could now take up the supplemental active list, noncontroversial.

ACTING PRESIDENT MARCELLINO: The Senate will now take up the supplemental active list, noncontroversial.

The Secretary will read.

THE SECRETARY: Calendar Number 964, by Senator LaValle, Senate Print 3533, an act to amend the Real Property Tax Law, in relation to establishing.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT MARCELLINO: Lay the bill aside.

THE SECRETARY: Calendar Number 967, substituted earlier today by Member of the Assembly Magee, Assembly Print Number 5973, an act to amend the Agriculture and Markets Law, in relation to including.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 978, by Senator Skelos, Senate Print 439, an act to amend the Criminal Procedure Law, in relation to limiting.

ACTING PRESIDENT MARCELLINO:

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 979, by Senator Golden, Senate Print 454, an act to amend the Criminal Procedure Law, in relation to eliminating.

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: Those recorded in the negative on Calendar Number 979 are Senators Montgomery, Parker and Perkins.

Ayes, 58. Nays, 3.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 982, by Senator Stachowski, Senate Print 944, an act to amend the Penal Law, in relation to criminal impersonation.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 985, by Senator Padavan, Senate Print 1662, an act to amend the Penal Law, in relation to disposal of allegedly stolen motor vehicles.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

November.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1018, by Senator Young, Senate Print 6917, an act to amend the Highway Law, in relation to designating.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1019, by Senator Young, Senate Print 6997, an act to amend the Highway Law, in relation to designating a portion.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1024, by Senator Morahan, Senate Print 1470, an act authorizing the Greenwood Lake Union Free School District.

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, 61.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Skelos, that completes the

noncontroversial reading of the supplemental calendar.

SENATOR SKELOS: Thank you, Mr. President. If we could ring the bells now. We have one bill on the controversial calendar. And we'll take up Calendar Number 964.

ACTING PRESIDENT MARCELLINO: The Secretary will ring the bells. We have a controversial calendar bill to be debated. Please notify our Senators to come back to the chamber.

The Secretary will read.

THE SECRETARY: Calendar Number 964, by Senator LaValle, Senate Print 3533, an act to amend the Real Property Tax Law.

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT MARCELLINO: Senator LaValle, an explanation has been requested.

SENATOR LaVALLE: Thank you very much.

ACTING PRESIDENT MARCELLINO: Excuse me, Senator. Could we have some order

in the chamber, please, so we can get this debate done and everyone can hear.

Thank you.

SENATOR LaVALLE: Senator Krueger, this is one bill as part of our body looking at how we can be helpful to our taxpayers dealing with this very crushing and vexing problem of school real property taxes. The provisions in this bill have been included in our Senate budget bills over the last number of years.

What this would do for those citizens who have achieved the age of 70 years old and who also receive the enhanced STAR -- and that dollar figure is $70,650. So if you're 70 years old, earn less than $70,650, and you qualify for the enhanced STAR program, and -- and this is very critical -- and your local school district has passed a resolution authorizing that the school district wants to come under the provisions of this bill, then they would.

Lastly, one of the problems in the past, pre-STAR, is that many of our efforts would exempt property. But what we learned

under STAR and why we did that is that, dollar for dollar, whatever we exempt we give back to that school district.

So I think we've all heard that by the time these seniors are 70 years old, their children, hopefully, have been gone, out of the house and independent, on their own, that somewhere between the cradle and the grave that they can look for some real relief, provided they meet the provisions of this act.

ACTING PRESIDENT MARCELLINO: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

Mr. President, if the sponsor would please yield.

ACTING PRESIDENT MARCELLINO: Senator LaValle, do you yield for a question?

SENATOR LaVALLE: Yes.

ACTING PRESIDENT MARCELLINO: He yields, Senator.

SENATOR LIZ KRUEGER: Thank you.

So as I understand your explanation, Senator, the local school district would decide whether it was going to participate in this, but they would be

transferring the cost of the lost revenue at the local school district level to us at the state.

SENATOR LaVALLE: That is correct.

SENATOR LIZ KRUEGER: That is correct.

So, Mr. President, if through you the sponsor would continue to yield.

ACTING PRESIDENT MARCELLINO: Senator LaValle?

SENATOR LaVALLE: Yes.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR LIZ KRUEGER: There's no fiscal implication or fiscal note on this bill. We're being asked to pass a piece of legislation that could conceivably cost the state an enormous amount of money and certainly would be at a growing rate every year because of the way it adjusts up every year from the base year of turning 70. And I don't know anybody who expects their school taxes to actually go down.

So why don't we have a fiscal note

or a fiscal estimate of the cost to the state?

SENATOR LaVALLE: I will give you that figure. Obviously the bill has gone through the Finance Committee, so that they have a fiscal note, and I will give you that.

But one of the things that we have done, Senator, is a variety of programs and even our state aid to education, the state has picked up greater and greater of the school district cost because we recognize that it is crushing.

Today -- I just mention two figures to you -- we presently in this year pick up state aid to education, $21 billion, with a B, and also our STAR, slash, rebate program is another $5 billion. So we as a state, as a matter of policy, have invested $26 billion because we want to remove or start taking the pressure off the local taxpayer and put it on the broader-based taxes of the state which we have access to, meaning the income tax, the sales tax, the corporation taxes, et cetera.

And we as a matter of policy have felt that that is a fairer way to fund education and start moving away from the real

property tax, move away from the real property tax.

The implications of this in the 2009-2010 fiscal year would be $118 million.

And as you know, Senator, each one of us and as a body have put priorities, and this body has said time and time again reducing real property taxes is a priority of this body. At least it is for this Majority.

SENATOR LIZ KRUEGER: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT MARCELLINO: Senator Krueger, on the bill.

SENATOR L. KRUEGER: Thank you. I appreciate the sponsor's answers to my questions and his responsiveness of pointing out that this bill would cost $118 million in its first year.

And again, under the assumption that you're 70, it's your base year, and it's going to grow over the years -- because we hope you live a long happy life after you're 70 -- one could assume this will continue to grow as a cost to the State of New York each and every year.

Not necessarily disagreeing with the sponsor on our goal of addressing the property tax problem, although I personally am waiting for the Governor's Property Tax Commission to come up with their own recommendations, because I think we need to look at tax policy holistically and I think we need to look at major expenditure items such as this in the context of the budget.

So the Senator pointed out that we have discussed this in the context of the budget. It did not pass in the budget we just passed a month ago in this house. So it's another attempt at a bite at the apple as a freestanding bill that will cost the State of New York a minimum of $118 million.

So I would argue it's the wrong time to pass a freestanding budget bill after we've just done the budget. I also think it's the wrong time to pass a freestanding STAR amended bill, because we're waiting to see what the property tax commission recommendations are.

I also would point out that while some of my colleagues love the STAR model,

others of us don't, because it historically has benefited homeowners over renters. So I too, and many of my colleagues, have people turning 70 each and every day in our districts.

But in the City of New York, most of our 70-and-up constituents are actually renters, not owners, and so in fact STAR not only does nothing to help them, but technically this bill, because it would shift the cost -- not end a cost, but shift a cost -- to the state budget that is now within our local property tax budgets would actually say that people in the City of New York and Syracuse and Rochester and Albany and other parts of the state, and Buffalo, who are renters would now pick up a portion of the tax costs transferred to them in state taxes from property taxes currently paid at the local level.

So I could agree that we need to reevaluate tax equity in this state, how we collect taxes. I'm not a big believer in property taxes for some parts of the state and not for others. I am a big believer in

progressive taxation, and I think we should be shifting more and more away from regressive taxes, which can include property taxes, and to progressive tax likes the income tax.

But I'd have to argue that for several reasons, this is the wrong bill for us to pass now. One, it's a budget bill external to the budget. Two, it transfers costs from the local to the state without an explanation of what we'd cut in the state budget to make up for it.

Three, it transfers local costs actually to renters who don't take any advantage from a STAR program but would end up continuing to have to pay, we assume, a higher state rate.

Four, we're waiting for the property tax commission to be making recommendations to us on how to deal with this.

And five, the STAR program in my opinion is not an equitable program and so an expansion of it, even though I respect my colleague's point, is not the direction I feel we ought to be going.

So I'll be voting no, thank you, and I hope some of my colleagues will think this through with me.

Appreciate it, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you. If the sponsor would yield for a question.

ACTING PRESIDENT MARCELLINO: Senator LaValle, do you yield?

SENATOR LaVALLE: Yes, I do.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR SCHNEIDERMAN: So I appreciate the sponsor's description of the bill, particularly the reference to the fact that we become overly reliant on property taxes and we've put, over the last decade or so, increased burdens on local governments. And that the sponsor said as a matter of policy we should be taking the pressure off the local tax base and putting it on the broader-based taxes of the state.

My question is, in an effort to bring down property taxes and pay for the

$26 billion that we've already committed and the $118 million we're committing here, would the sponsor be supportive of an effort to put a surcharge on the income tax of New Yorkers earning more than $1 million a year in order to help pay for this?

SENATOR LaVALLE: Why would I want to do that, Senator?

SENATOR SCHNEIDERMAN: Well, if you're going to take the tax burden off local taxes --

ACTING PRESIDENT MARCELLINO: You know I'm going to stop this. You've got to go through me.

SENATOR SCHNEIDERMAN: We're getting along so well.

ACTING PRESIDENT MARCELLINO: I know you are. It's a lovefest, and I understand that. But please.

SENATOR SCHNEIDERMAN: Happy to comply. Through you, if the sponsor would continue to yield.

ACTING PRESIDENT MARCELLINO: Senator, do you continue to yield?

SENATOR LaVALLE: Yes.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR SCHNEIDERMAN: Thank you.

If you are going to take the tax burden off the local governments by reducing property taxes and require that the State Education Department reimburses the local government for that money, you have to raise more money at the state level.

So my question is, as a matter of equity and fairness, would the sponsor, in an effort to raise that money so we can relieve the tax burden, support a proposed surcharge only on the income that people make over a million dollars a year? Only would affect people who make more than $20,000 a week.

SENATOR LaVALLE: Senator, that's a great question because it shows very, very clearly the difference between you as a Democrat and I as a Republican. Because I believe that we need to cut spending so that we can retrieve additional dollars.

Senator Bruno had a press conference last week, as you know. And I don't know how you voted on placing a cap on

spending. But if we had followed that over a period of time, I think it was five years, that that would have produced $1 billion in savings. And so sometimes we look at the wrong side of the ledger.

You know, we're already the highest-taxed state in the nation. Here -- I don't want to really get into a debate on tax policy, which is where you want to take the debate, but really on program policy and how we address -- and I think -- I thought we agreed in this house that the reason we're spending $21 billion plus the five, $26 billion, is to take the pressure off the real property tax.

This bill, by the way, is only one of many, and only one approach that you will begin to see on how we need to deal with this problem.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. I'd like to thank the sponsor for his answers.

On the bill.

ACTING PRESIDENT MARCELLINO: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I'm in absolute agreement with the sponsor that our disagreement is I am a Democrat and he is a Republican. I think this is a good way to frame the issue.

We are not spending $26 billion to take the pressure off local property taxes. We're spending $26 billion to take the pressure off local property taxes without cutting one dollar from the state's budget.

Now, you can have it either way. I believe we should pay for what we get. I don't believe we should lie to the people of the State of New York by saying, Oh, we're going to put another $118 million burden on the State Education Department, but it's not going to affect school programs.

The problem is that after the 12 years of the Pataki-Bruno era, and as demonstrated in Washington during the era of Republican hegemony, Republicans like to spend, they just don't want to pay for what they spend.

So my challenge to all of you on the other side of the aisle is every time you

propose some way to reduce the burden on local governments -- which I support. I think you are absolutely right, the sponsor is absolutely correct that we have come to rely on the property taxes. It's not the best way to fund our school system. But every time you propose to have the state pay for something that was previously paid for by local governments through their taxes, please show us either where you're going to raise the money or what programs you're going to cut.

Because the residue, the legacy of the Pataki-Bruno era is a massive increase in state spending and a massive increase in the cutting of the taxes for the very wealthy and forcing local governments to raise that money from property and sales taxes. That is the legacy we're trying to fight.

I welcome any who want to join in an honest debate over tax policy. Look, if Democrats want to spend more, they should say: I want to spend more, and I'm going to pay for it this way. If Republicans want to cut, tell us what you're going to cut.

But you guys have had it had both

ways for way too long, and the public has wised up to it. You can't say we're going to double your spending, tell every union what they want to hear and then say "Oh, but we're tax-cutters." The public is smarter than that, Mr. President.

I'm going to vote to support this legislation on the basis that the sponsor has made it clear that the money is coming from the State Department of Education. The missing piece of this legislation -- please. Does anyone have a nitroglycerin pill?

The missing piece of this legislation is how we're going to pay for it. I believe we should pay for our school system with greater reliance on the income tax, on the centralized state taxes from our broad tax base, as the sponsor stated. I'm sorry in our later colloquy he backed away from that statement.

If you're going to cut local taxes, you have to either cut spending or raise state taxes. I support this bill with the understanding that the only way we're going to actually reduce property taxes in this state

is to get back to taxing the wealthy New Yorkers who have gotten off cheap for the last 15 years.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Craig Johnson.

SENATOR CRAIG JOHNSON: Thank you, Mr. President.

Will the sponsor yield for a couple of quick questions for clarity.

ACTING PRESIDENT MARCELLINO: Senator LaValle, do you yield?

SENATOR LaVALLE: Yes.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR CRAIG JOHNSON: Thank you. And thank you very much, Senator LaValle.

Through you, Mr. President, a couple of quick questions on the bill.

The persons eligible to receive this benefit, I understand one is a married couple where one person has to be over 70. Do both the husband and wife have to be on the fixed income or eligible for the enhanced

STAR, or is it only one?

SENATOR LaVALLE: Only one.

SENATOR CRAIG JOHNSON: Only one.

Mr. President, will the sponsor continue to yield?

SENATOR LaVALLE: Yes.

ACTING PRESIDENT MARCELLINO: I'm sure he does.

SENATOR CRAIG JOHNSON: I also understand that there's also a provision that provides for if there is a couple over the age of 70 who own a house who may not be married but may own it jointly. The way I read the bill is it requires both parties to be over 70.

My question is, though, does it require one or both of them to be eligible for the enhanced STAR?

SENATOR LaVALLE: Only one has to be age 70.

SENATOR CRAIG JOHNSON: Okay.

Mr. President, through you, will the sponsor continue to yield.

ACTING PRESIDENT MARCELLINO: I'm sure he yields.

SENATOR LaVALLE: Yes.

SENATOR CRAIG JOHNSON: I just want to get it, again for clarity purposes, for the record.

In the bill on line 4 and 5 on your bill it just says, and I'm going read it: "(A) Residential real property owned and occupied by one or more persons, each of who whom is 70 years of age."

So I think we'll have to clarify. It sounds like to me, Mr. President, it requires both persons who own the house have to be over 70.

SENATOR LaVALLE: If they are married.

SENATOR CRAIG JOHNSON: If they're married, okay. If they're married they're required to both --

SENATOR LaVALLE: No, if they are married, only one. If they're not married, both.

SENATOR CRAIG JOHNSON: Mr. President, will the sponsor continue to yield.

SENATOR LaVALLE: Yes.

ACTING PRESIDENT MARCELLINO: He

yields.

SENATOR CRAIG JOHNSON: A followup. Does it require both persons in the unmarried situation to be eligible for enhanced STAR, or only one to be eligible for enhanced STAR?

SENATOR LaVALLE: I think you had asked me that. And it's one person.

SENATOR CRAIG JOHNSON: Okay. And whoever owns -- one person's enhanced STAR.

SENATOR LaVALLE: Yes.

SENATOR CRAIG JOHNSON: Okay. Will the sponsor continue to yield for just a couple more short questions.

SENATOR LaVALLE: Yes.

SENATOR CRAIG JOHNSON: In paragraph 3 of your bill it requires the school districts to cause to be notified each person owning residential real property about this bill.

Will the school district be compensated or reimbursed for that expense?

SENATOR LaVALLE: No.

SENATOR CRAIG JOHNSON: Will the

sponsor continue to yield.

SENATOR LaVALLE: Yes.

ACTING PRESIDENT MARCELLINO: He yields.

SENATOR CRAIG JOHNSON: Out of curiosity, was there any type of fiscal analysis conducted just so we understand how much it will cost a school district to provide such a notification?

SENATOR LaVALLE: There wasn't.

But I don't see this as being a mandate because, as you know as a resident, each year the school district sends a school calendar and they put on that calendar, you know, this is the date for the STAR program, ta-da-ta-da. And we want to make sure that people are aware that such a program exists.

And, you know, Senator, I must just say, I was talking today about even to this day, I'll mention the STAR program to someone, and they'll go: "What's that?" So regardless of how far we go in notification, there will still be people.

But this will not be an additional mandated cost to the school district.

SENATOR CRAIG JOHNSON: Mr. President, on the bill.

ACTING PRESIDENT MARCELLINO: Senator Johnson, on the bill.

SENATOR CRAIG JOHNSON: I want to thank Senator LaValle for the answers to those questions, because you saw my point of my concern -- I know that you share this concern, as do a lot of other Senators -- is the unfunded mandates that are put upon our school districts. And that SED seems time and time again to put another mandate and another mandate.

I'm happy to hear that it sounds like to me, from your answers to my questions, that a school district, as long as they comply with the notice language in this bill, a simple statement on a calendar with the notice constitutes notice, and that's terrific.

I'm going to support this legislation. And I think what's very important about it is it addresses the issue that is facing constituents in my district, Senator LaValle's district, a number of us who live in the suburbs all across the state where

we have house-rich, cash-poor seniors who are living on a fixed income who have lived in their homes for a number of years, watched the value increase but, especially today, no ability to really pull that money out, especially given what's going on in the housing market.

We need to do something. It's not a perfect bill, but it's a start. And I wish to commend Senator LaValle for making that step. So I'll be voting in the affirmative for making a step to try and reduce the property taxes that are burdening our residents.

Thank you very much, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President. I too stand and want to thank Senator LaValle for bringing this bill to the floor.

The only thing that saddens me is that we can't get the Assembly to move on any tax relief plan. And this bill unfortunately

doesn't address giving relief to primary homeowners from the middle class who are struggling.

And what we're trying to do is, on this side of the aisle and on that side of the aisle in this chamber, and we have done for three years in a row, we've passed a bill that eliminates school property taxes on primary owners, Senator Saland's bill. We've done that three times in a row. We can't get the Assembly to move.

Senator Little has a circuit-breaker bill, it's been out there for a while, to bring property tax relief. Can't get the -- and it has a sponsor in the Assembly. Can't get it to move through committee.

So we're frustrated. Senator LaValle says, okay, we can't move those two bills, let's try to help our most vulnerable homeowners, our 70-year-olds, who have paid their dues for most of their life, put their children and probably helping their grandchildren through school. And he's trying to move that bill.

And I think that that bill will pass on both sides of the aisle today. But there have been a couple of things raised that I want to talk about.

One is, how do we pay for these things? Property tax relief, the message we are sending on this side of the aisle is that it deserves the attention above the radar screen when you look at education, when you look at healthcare, when you look at transportation needs. And, yes, property tax relief for people outside New York City -- because the problem isn't severe in New York City -- deserves that kind of attention.

And in good years, we won't have to do a millionaire's tax. We might not even have to raise any tax. Because when we did STAR, which is now at $5 billion, we did not do any millionaire's tax. We were doing well, Wall Street was forming performing well, we were creating jobs. So added revenues helped to address our growing needs.

So what do you do when the economy is not doing so well? And it was suggested maybe we should look at the millionaire's tax.

Well, we should first look at reducing spending. We should look at increasing rateables. But if we can't get it done in those two areas and we're raising our budget, then maybe the alternative is to look at broad-based taxes and have an honest discussion. Maybe we would look at the income tax.

But don't single out a class of people like the millionaires. You know what? Millionaires will go to Connecticut, they'll go down to Florida, they'll go to Pennsylvania, and you won't have many millionaires who pay about 30 percent of the total taxes of the State of New York now. You keep driving nails into what you think are the so-called rich, they have mobility. And when you lose them, then you are really eroding your tax base.

So I will say, in conclusion, thank you, Senator LaValle, this is long overdue. And I'm sure we're going to get support from our friends and colleagues on the other side of the aisle in this house.

But apparently Speaker Silver, he

doesn't even want to look in this area, because he represents New York City. We can't even get a task force to study real property tax reform in this state because he does not even want to suggest going in the area of property tax relief for the upstate outside of New York City.

I vote in the affirmative.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Any other Senator wishing to be heard on the bill?

Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

I also rise and want to thank Senator LaValle for addressing this issue.

Clearly anyone who represents any area that pays high property taxes understands the dynamics. We have homes going up in value, so the property tax goes up, but unfortunately people's income doesn't go up.

Senior citizens are sort of the classic case. They have a house that they've lived in for years, the value keeps going up, the property taxes keep going up, but of

course they're living on a fixed income.

Unfortunately, I really don't think, though, this is really the way to go about it. I think one of the things that I think is going to happen next week is that Governor Spitzer's commission, now it's Governor Paterson's property tax cap commission, under the leadership of Tom Suozzi, is going to render some decisions, results, on what we need to do to lower property taxes.

This is something I think that's going to be very, very important, because it's the first time it's been seriously studied. And personally I have some ideas on the subject before the commission renders its decision, and I think really the way to go is going to be a circuit-breaker.

I think in some ways STAR has outlived its usefulness, and the way to go is through a circuit-breaker which will provide a substantial tax break for individuals based on their income as well as how much of that income they're paying in property taxes.

So I think we really need to start

debating this. And I think at the same time, one of the things that was raised by my colleagues, like Senator Schneiderman, I really do think we have to start talking seriously about how we're going to pay for this.

No matter what we do to alleviate the burden of property taxes, there's going to be a price to pay. And we really have to start talking about how we're going to pay for it, either through a millionaire's tax or actually getting rid of STAR and replacing it a circuit-breaker. These are things we need to discuss.

So again, I want to thank Senator LaValle for raising this issue, because it is important one. But I look forward to coming out of this legislative session with real property tax relief. And I think the way to go at this point is a circuit-breaker.

But I vote yes on this legislation, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Any other Senator wishing to be

heard?

Seeing none, the debate is closed. The Secretary will ring the bells.

Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Onorato, to explain his vote.

SENATOR ONORATO: Yes, Mr. President, I'm going to support this bill.

But I would also like to remind our colleague, everybody is wondering how you're going to pay for this here. We're all paying for it.

Perhaps the suburbs should start to reconsider consolidating some of the school districts that we have in the suburbs. We have superintendents for less than 1,000 students. In the City of New York and one of the other districts, they have 1,000 students in one school building.

Out in Nassau, you have campuses

for elementary school districts with swimming pools on it, and it's got to be paid for. But the residents vote for their own budget. And then they expect the rest of the state to bail them out when the going gets tough.

So let's tighten our belts a little bit in Nassau and Suffolk and whoever else has all of these kind of districts around.

But I am supporting this legislation. I vote aye.

ACTING PRESIDENT MARCELLINO: Senator Onorato will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 964 are Senators L. Krueger and Perkins.

Absent from voting: Senators Adams, C. Kruger and Sampson.

Ayes, 56. Nays, 2.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, is there any business at the desk?

ACTING PRESIDENT MARCELLINO: Yes, Senator Skelos, we have some motions.

Senator Robach.

SENATOR ROBACH: Yes, Mr. President. On page 12 I offer the following amendments to Calendar 189, Senate Print Number 5966, and ask that the said bill retain its place on Third Reading Calendar, on behalf of Senator John DeFrancisco.

ACTING PRESIDENT MARCELLINO: So ordered.

Senator Skelos.

SENATOR SKELOS: Please recognize Senator Volker.

SENATOR VOLKER: Mr. President, very quickly. I just want to remind everybody that tonight is the Senate Club dinner.

And some people are asking me why we have no conflict this year with the Assembly Pilots. Because that's why it was moved back a week, to avoid conflicts we've had the last two years with the Assembly Pilots. So I guess that's, I don't know, next week, whatever.

But anyways, would appreciate it if

everybody would come who said they were coming, and we'll see you at Jack's.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Skelos, the house is clean.

SENATOR SKELOS: Mr. President, there being no further business to come before the Senate, I move we stand adjourned until Wednesday, May 14th, at 11:00 a.m.

ACTING PRESIDENT MARCELLINO: On motion, the Senate will stand adjourned until Wednesday, May 14th, at 11:00 a.m.

(Whereupon, at 5:03 p.m., the Senate adjourned.)