NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 20, 2008

3:08 p.m.

REGULAR SESSION

SENATOR MICHAEL F. NOZZOLIO, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT NOZZOLIO: The Senate will come to order.

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

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

ACTING PRESIDENT NOZZOLIO: The Reverend Peter G. Young, Mother Theresa Community, will provide the benediction.

Reverend Young.

REVEREND YOUNG: Thank you very much, Senator.

Coming up to the chamber today, I was requested to pray for the Yankees, but I said I have to be here only to pray for those that are in dedicated state service.

And by being a Senator, you have been accepted into the leadership position so that you can more fully serve the people of New York State.

In this spirit of community and prayer today, it will be better to achieve the goal of dedicated representation in the power

that is entrusted to all of our state legislators and leadership. May you attain satisfaction in your services to all of your constituents.

We ask You this now and forever. Amen.

ACTING PRESIDENT NOZZOLIO: Reading of the Journal.

THE SECRETARY: In Senate, Monday, May 19, the Senate met pursuant to adjournment. The Journal of Sunday, May 18, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary shall read the report of the Senate Finance Committee.

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

As a member of the Metropolitan Transportation Authority, Doreen M. Frasca, of New York City.

ACTING PRESIDENT NOZZOLIO: Senator Johnson, to move the nomination.

SENATOR OWEN JOHNSON: Move the nomination.

ACTING PRESIDENT NOZZOLIO: The nomination of Doreen Frasca has been moved.

Senator Sabini.

SENATOR SABINI: Thank you, Mr. President.

I wanted to rise in support of this nomination and congratulate the Governor for his wisdom.

The MTA is an entity that is the lifeblood or really is the circulatory system for, I believe, much of the state's economy. Because if New York City and its suburbs don't move and people can't get to work, then we're in bigger trouble than we are now.

And the MTA's finances are always one that are under scrutiny. I believe the management that's been put there now is a better management, under Lee Sander and his

team. They're trying lots of innovative things.

But in the nomination of Doreen Frasca we have someone who has a great background in municipal finance, in the way government works. She will be an asset to the MTA board.

She has been patiently waiting for this appointment to come through, since she's been up here a couple of times.

And I wanted to wholeheartedly say that I support her nomination and look forward to a productive term on the MTA board.

ACTING PRESIDENT NOZZOLIO: Thank you, Senator Sabini.

On the nomination of Doreen Frasca, of New York City, for a term on the Metropolitan Transportation Authority, all those in favor of the nomination signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT NOZZOLIO: Opposed, nay.

(No response.)

ACTING PRESIDENT NOZZOLIO: The

nomination is hereby confirmed.

Congratulations, Ms. Frasca, as a member of the Metropolitan Transportation Authority. Congratulations.

(Applause.)

ACTING PRESIDENT NOZZOLIO: The Secretary shall read.

THE SECRETARY: As a member of the Niagara Frontier Transportation Authority, Howard A. Zemsky, of Buffalo.

As a member of the Ogdensburg Bridge and Port Authority, Frederick J. Carter, of Ogdensburg.

As commissioner of the Port Authority of New York and New Jersey, H. Sidney Holmes III, of New York City.

As members of the Port of Oswego Authority, Thomas W. Gillen, of Oswego, and Terrence Michael Hammill, of Oswego.

As a member of the Empire State Plaza Art Commission, Judith A. Barnes, Ph.D., of Albany.

As a member of the Stewart Airport Commission, James Kulisek, of Newburgh.

As a member of the Thousand Islands

State Park, Recreation and Historic Preservation Commission, Michael J. Geiss, of Clayton.

As a member of the Veterans' Affairs Commission, Rebecca C. Keough, of Fayetteville.

As a member of the Board of Visitors of the Creedmoor Psychiatric Center, Henry Lee Kau, of Flushing.

And as a member of the Board of Visitors of the Kingsboro Psychiatric Center, Robert C. Mayo, DDS, of Brooklyn.

ACTING PRESIDENT NOZZOLIO: Senator Johnson.

SENATOR OWEN JOHNSON: Move all the nominations.

ACTING PRESIDENT NOZZOLIO: The question is on the nominations as read by the Secretary. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT NOZZOLIO: All opposed say nay.

(No response.)

ACTING PRESIDENT NOZZOLIO: The

nominees are hereby confirmed.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Bonacic, on page number 27 I offer the following amendments to Calendar Number 553, Senate Print Number 6755, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT NOZZOLIO: The amendments are received and adopted, and the bill shall retain its place on the Third Reading Calendar.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator DeFrancisco, I wish to call up Senate Print Number 1829B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT NOZZOLIO: The Secretary shall read.

THE SECRETARY: Calendar Number

545, by Senator DeFrancisco, Senate Print 1829B, an act to amend the Penal Law.

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

ACTING PRESIDENT NOZZOLIO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

SENATOR FUSCHILLO: I now offer the following amendments.

ACTING PRESIDENT NOZZOLIO: The amendments are received and adopted.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Bruno, I wish to call up Concurrent Resolution Number 5964, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT NOZZOLIO: The Secretary shall read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution Number 5964.

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

resolution was adopted on May 19, 2008.

ACTING PRESIDENT NOZZOLIO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

SENATOR FUSCHILLO: I now move to commit the concurrent resolution to the Committee on Rules.

ACTING PRESIDENT NOZZOLIO: So ordered.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT NOZZOLIO: Senator Skelos.

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

ACTING PRESIDENT NOZZOLIO: The Secretary shall read.

THE SECRETARY: On page 29, Senator Bonacic moves to discharge, from the Committee on Finance, Assembly Bill Number 9297A and substitute it for the identical Senate Bill Number 6379A, Third Reading Calendar 584.

On page 59, Senator Fuschillo moves

to discharge, from the Committee on Consumer Protection, Assembly Bill Number 10625 and substitute it for the identical Senate Bill Number 7895, Third Reading Calendar 1149.

And on page 62, Senator Padavan moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9391A and substitute it for the identical Senate Bill Number 6403, Third Reading Calendar 1174.

ACTING PRESIDENT NOZZOLIO: Substitutions so ordered.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

On behalf of myself, Senator Bonacic, on page number 56 I offer the following amendments to Calendar Number 1118, Senate Print Number 4022, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT NOZZOLIO: The amendments are received and adopted, and the bill shall retain its place on the Third Reading Calendar.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

On behalf of myself again, on page number 21 I offer the following amendments to Calendar Number 375, Senate Bill 5514, and ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT NOZZOLIO: The amendments are received and adopted, and the bill shall retain its place on Third Reading Calendar.

SENATOR BONACIC: Thank you, Mr. President.

ACTING PRESIDENT NOZZOLIO: Senator Bonacic.

SENATOR BONACIC: And last but not least, on behalf of Senator Morahan, on page 54 I offer the following amendments to Calendar Number 1092, Senate Print Number 4475A, and ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT NOZZOLIO: The amendments are received and adopted, and the bill shall retain its place on the Third

Reading Calendar.

SENATOR BONACIC: Thank you, Mr. President.

ACTING PRESIDENT NOZZOLIO: Thank you, Senator Bonacic.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could adopt the Resolution Calendar, with the exception of Resolutions 5919, 6002, 6005, 5945, 5930, 5931, and 5932.

ACTING PRESIDENT NOZZOLIO: All in favor of adopting the Resolution Calendar, with the exception of the resolutions read by Senator Skelos, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT NOZZOLIO: Opposed, nay.

(No response.)

ACTING PRESIDENT NOZZOLIO: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: If we could take up Resolution Number 5930, have the title read, and move for its immediate adoption.

ACTING PRESIDENT NOZZOLIO: The

Secretary shall read.

THE SECRETARY: By Senator Flanagan, Legislative Resolution Number 5930, memorializing Governor David A. Paterson to proclaim the week of May 19-23, 2008, as Marrow Donor Awareness Week in New York State.

ACTING PRESIDENT NOZZOLIO: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Mr. President. Just briefly on the resolution.

This is Bone Marrow Donor Awareness Week here in the State of New York. But there are two other resolutions that I just wanted to touch on.

There's a young man named Zacceus who is going to be donating his own bone marrow -- he's an 8-year-old boy -- to his 4-year-old sister.

This is historic, it's wonderful, and it's frankly the kind of thing that we need to be talking about, because this is something that actually makes a very positive difference in people's lives -- and frankly, in this young girl's case, probably is going

for save her life.

Tonight we have the Bowl-A-Thon again. I happen to be the cochair, along with Assemblyman Aubry from the Assembly.

And for those of you who may not have had the opportunity to get in the Bone Marrow Registry, it's actually very easy. You literally -- all you have to do is they take a cotton swab on the inside of your mouth. No more, no less. Takes five seconds; anybody can do it.

Because of the work of the folks here in both houses, since 2000 we have raised $176,000 towards the foundation, and they have added 1100 people to the registry.

It's a very simple thing. It saves people's lives. It may take you a minute, at best. If you can do it, great; you can make a difference.

Thank you.

ACTING PRESIDENT NOZZOLIO: Thank you, Senator Flanagan.

Anyone else wishing to speak on the resolution?

The question is on the resolution.

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT NOZZOLIO: Opposed, nay.

(No response.)

ACTING PRESIDENT NOZZOLIO: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, Senator Flanagan also has Resolution 5931 at the desk. If we could have the title read and move for its immediate adoption.

ACTING PRESIDENT NOZZOLIO: The Secretary shall read.

THE SECRETARY: By Senator Flanagan, Legislative Resolution Number 5931, commending and paying tribute to Zacceus Cancer, in recognition of his heroic act in donating his bone marrow to his little sister and giving the gift of life.

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

(Response of "Aye.")

ACTING PRESIDENT NOZZOLIO:

Opposed, nay.

(No response.)

ACTING PRESIDENT NOZZOLIO: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, Senator Flanagan's Resolution 5932 is at the desk. If we could have the title read, move for its immediate adoption, and open it up for cosponsorship.

ACTING PRESIDENT NOZZOLIO: The Secretary shall read.

THE SECRETARY: By Senator Flanagan, Legislative Resolution Number 5932, honoring the National Marrow Donor Program, the Marrow Foundation, and Link to Life Network for their continued success in saving lives and their devoted service to mankind.

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

(Response of "Aye.")

ACTING PRESIDENT NOZZOLIO: Opposed, nay.

(No response.)

ACTING PRESIDENT NOZZOLIO: The resolution is adopted.

Senator Flanagan has opened the resolution for cosponsorship. Anyone not wishing to cosponsor it please advise the desk.

Senator Skelos.

SENATOR SKELOS: Mr. President, Senator Fuschillo has a resolution at the desk, 5945. If we could have the title read, move for its immediate adoption, and open it up for cosponsorship.

ACTING PRESIDENT NOZZOLIO: The Secretary shall read.

THE SECRETARY: By Senator Fuschillo, Legislative Resolution Number 5945, commemorating the 60th Anniversary Celebration of the founding of the State of Israel on June 1, 2008.

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

(Response of "Aye.")

ACTING PRESIDENT NOZZOLIO: Opposed, nay.

(No response.)

ACTING PRESIDENT NOZZOLIO: The resolution is adopted.

Senator Fuschillo has opened the resolution for cosponsorship. Anyone not wishing to cosponsor it please advise the desk.

Senator Skelos.

SENATOR SKELOS: Mr. President, Senator Libous has a resolution at the desk, Number 5919. If we could have the title read, move for its immediate adoption, and open it up for cosponsorship.

ACTING PRESIDENT NOZZOLIO: The Secretary shall read.

THE SECRETARY: By Senator Libous, Legislative Resolution Number 5919, commemorating the 2008 Special Olympics New York Summer Games, to be held on June 12-14 in Binghamton.

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

(Response of "Aye.")

ACTING PRESIDENT NOZZOLIO:

Opposed, nay.

(No response.)

ACTING PRESIDENT NOZZOLIO: The resolution is adopted.

Senator Libous has opened the resolution for cosponsorship. Anyone not wishing to cosponsor the resolution please advise the desk.

Senator Skelos.

SENATOR SKELOS: Mr. President, Resolution 6002, by Senator Volker, is at the desk. If we could have the title read and move for its immediate adoption.

ACTING PRESIDENT NOZZOLIO: The Secretary will read.

THE SECRETARY: By Senator Volker, Legislative Resolution Number 6002, mourning the death of the legendary John Long, Sr., distinguished citizen and devoted member of his community.

ACTING PRESIDENT NOZZOLIO: Senator Volker.

SENATOR VOLKER: Mr. President, John Long, Sr., was a friend of a great many people in this Legislature. A close friend of

mine, but an even closer friend of former Senator John Daly. It's hard to believe that John died now in 1999 --

ACTING PRESIDENT NOZZOLIO: Senator Volker, will you please suffer an interruption.

SENATOR VOLKER: Sure.

ACTING PRESIDENT NOZZOLIO: There's too much conversation. Please come to order.

Senator.

SENATOR VOLKER: Thank you.

One of the great characters in really our state's history. Probably nobody has done more for hunting, fishing, conservation in this state than John Long.

The real reason that I wanted this resolution today has to do with John Daly, it has to do with the fact that John Long was such a close friend of so many of us, but also because I wanted to remind everybody that tomorrow is the legislative service for deceased members.

And we are trying to get as many people there as we can. I would appreciate it

if any of you that could get there, get there, because I think it's a great service and it's something that is important to a great many of us.

So I want to say that certainly -- and by the way, anybody that would like to go on John Long's -- we're going to present it to his family and to the conservation group, because he was really considered one of the top people in the state's history.

So I thank everybody for their patience. But I would appreciate it if anybody who is here could come at 8 o'clock tomorrow morning at St. Mary's Church.

Thank you.

ACTING PRESIDENT NOZZOLIO: Thank you, Senator Volker.

Senator Skelos.

SENATOR SKELOS: If we could adopt the resolution, please.

ACTING PRESIDENT NOZZOLIO: The question is on the resolution mourning the untimely death of a New Yorker who has contributed a great amount to the sportsmen and sportsmen's policies in New York State,

John Long.

All those in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT NOZZOLIO: Opposed, nay.

(No response.)

ACTING PRESIDENT NOZZOLIO: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, Resolution Number 6005 is at the desk, by Senator Sampson. If we could have the title read, move for its immediate adoption, and open it up for cosponsorship.

ACTING PRESIDENT NOZZOLIO: Senator Volker will open up the John Long resolution to all those who wish to cosponsor it. Thank you, Senator Volker.

The Secretary will read.

THE SECRETARY: By Senator Sampson, Legislative Resolution Number 6005, mourning the death of Irena Sendler, a woman of great character whose life exemplified the highest ideals of humanity.

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

(Response of "Aye.")

ACTING PRESIDENT NOZZOLIO: Opposed, nay.

(No response.)

ACTING PRESIDENT NOZZOLIO: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Please recognize Senator Fuschillo.

ACTING PRESIDENT NOZZOLIO: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Owen Johnson, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Print Number 4558A.

ACTING PRESIDENT NOZZOLIO: So ordered.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT NOZZOLIO: Thank you, Senator.

The Secretary shall read the noncontroversial calendar.

THE SECRETARY: Calendar Number 584, substituted earlier today by Member of the Assembly Gunther, Assembly Print Number 9297A, an act to amend the State Finance Law, in relation to establishing.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number 845, by Senator Volker, Senate Print 7380, an act to amend the Penal Law, in relation to theft of services.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number 889, by the Senate Committee on Rules --

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

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

THE SECRETARY: Calendar Number 902, by Senator Flanagan, Senate Print 839, an act to amend the State Finance Law, in relation to establishing.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT NOZZOLIO: The

bill is passed.

THE SECRETARY: Calendar Number 1032, by Senator Farley, Senate Print 7148A, an act in relation to special education transportation contracts.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number 1054, by Senator Nozzolio --

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

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

THE SECRETARY: Calendar Number 1111, by Senator C. Kruger, Senate Print 7343, an act to amend the Family Court Act, in relation to evidence.

ACTING PRESIDENT NOZZOLIO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 60th day.

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number 1113, by Senator Young, Senate Print 7826A, an act to amend the Executive Law, in relation to reduction in staff.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT NOZZOLIO: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1113 are

Senators Dilan, Hassell-Thompson, Montgomery, Parker and Perkins.

Ayes, 54. Nays, 5.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number 1125, by Senator Trunzo, Senate Print 3049, an act to amend the Education Law, in relation to payment of tuition and fees.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT NOZZOLIO: Senator Golden, to explain his vote.

SENATOR GOLDEN: Thank you, Mr. President.

I'd like to congratulate Senator Trunzo for putting this bill forward, which provides a nonresident student whose noncustodial parent resides in New York may choose New York as his or her residency for

the purpose of attending SUNY or CUNY and therefore pay in-state tuition and fees.

Today in the audience we have many students from Visitation Academy in Brooklyn, New York. And we have Tara Reilly, who won the contest for Senator for a Day.

And many of these students here today will go on to attend SUNY and CUNY colleges and go on to excel in what they would want to be in future years. And we applaud Visitation for coming here today and for witnessing what transpires here in the chambers.

And I congratulate the Senator for putting this bill forward, and I vote aye.

ACTING PRESIDENT NOZZOLIO: Senator Golden in the affirmative.

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

I'll vote for this, but this bill raises a concern that I raised last year and I can't figure out how we get around it.

The bill says that an out-of-state student whose noncustodial parent lives in

New York State can go to SUNY or CUNY at the in-state rate. That's fine and that's admirable, as far as it goes. But it says provided the noncustodial parent that lives in New York State is not in arrears in child support.

So now, if you have a deadbeat parent who lives in New York, we're going to punish the student, who doesn't live in New York and didn't get the support, and we're not going to cut them a break.

And I don't understand why we have that in there. Because you're clearly not rewarding the noncustodial parent, you're rewarding the student when they come to New York. Yet we're saying if you had a bad parent, you can't come to school here at the state rate.

And maybe New York State was at fault. Maybe New York State, as part of the interstate compact, didn't do a good job of collecting child support from that noncustodial parent who lives in our state. And this bill would then say, that's okay, let's punish that kid, let's punish the kid

who didn't get child support when they should have by hitting them again over the head.

So I wish people would go back and look at this bill and figure out how we can be fair to this student. And it seems to me the out-of-state student whose New-York-resident noncustodial parent didn't pay child support is more deserving of a little boost New York State can give them than any other case.

So this bill has that big problem. I don't know why we're punishing the student whose parent didn't pay child support.

ACTING PRESIDENT NOZZOLIO: Senator Connor, how do you vote?

SENATOR CONNOR: Aye.

ACTING PRESIDENT NOZZOLIO: Senator Connor in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 61. Nays, 0.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number 1127, by Senator Winner, Senate Print 3235A,

an act to amend the New York State Urban Development Corporation Act, in relation to creating.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number 1128, by Senator Lanza, Senate Print 3574A, an act to amend the Tax Law, in relation to exempting military personnel.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT NOZZOLIO:

Senator Connor, to explain his vote.

SENATOR CONNOR: Yes, Mr. President, I'm going to support this bill because I think our servicemen and women who are fighting in wars deserve our support because of the service they're rendering.

But I am concerned about the fact that the war in Iraq commenced five years ago. Should never have been started. There was no danger to the United States. We were lied to, we were lied to by the chief executive, who said it was about weapons of mass destruction. They've never found any.

We haven't made the United States safer. We're still seeing our young men and women in uniform suffering casualties and death. Iraq is in chaos. There's no way out.

Mr. President, I'm voting for this bill, but I think it's time we get out of Iraq now.

ACTING PRESIDENT NOZZOLIO: Senator Connor in the affirmative.

The Secretary shall announce the results.

THE SECRETARY: Ayes, 62. Nays,

0.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number 1130, by Senator DeFrancisco, Senate Print 5092, an act to amend the Penal Law, in relation to forfeiture proceedings.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number 1138, by Senator Larkin, Senate Print 7247, an act to amend the Executive Law, in relation to designating February 14th.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number 1140, by Senator Griffo, Senate Print 7421, an act to amend the State Finance Law, in relation to donation.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number 1149, substituted earlier today by Member of the Assembly Pheffer, Assembly Print Number 10625, an act to amend the General Business Law, in relation to disposal of records.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll call.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number 1164, by Senator Farley, Senate Print 7811, an act to amend the Public Officers Law, in relation to residency requirements.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number

1174, substituted earlier today by Member of the Assembly Abbate, Assembly Print Number 9391A, an act to amend the Civil Service Law, in relation to dispute resolution.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number 1188, by Senator Maziarz, Senate Print 6697, an act to amend the Real Property Tax Law, in relation to authorizing use.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number 1190, by Senator Saland, Senate Print 7515, an act to amend the Military Law, in relation to the presentation of a flag.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

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

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

ACTING PRESIDENT NOZZOLIO: No, there is not.

SENATOR SKELOS: There being none, I move we stand adjourned until

Wednesday, May 21st, at 11:00 a.m.

ACTING PRESIDENT NOZZOLIO: On motion, the Senate stands adjourned until Wednesday, May 21st, at 11:00 a.m.

(Whereupon, at 3:41 p.m., the Senate adjourned.)