NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:03 p.m.

REGULAR SESSION

SENATOR JOHN J. BONACIC, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT BONACIC: The Senate will come to order.

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

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

ACTING PRESIDENT BONACIC: The invocation today will be given by Reverend Paul Bannister, who is pastor of the Lighthouse Baptist Church in Utica.

REVEREND BANNISTER: Let's bow for prayer.

Dear heavenly Father, we do thank You for this opportunity, Lord, and thank You for the privilege and the freedoms that we have to be able to come and petition our cause before You.

I do pray for each person in here, Father, especially, Lord, for the Senators as they make decisions. Lord, I pray that they'll be pleasing to You. Please be with their families and, Lord, keep them safe, Lord, as they travel.

And, Lord, we just thank You for

the opportunities, Lord, that we have to come before You for every cause. Please let Your will be done, Lord, in this house.

And we ask these things in Jesus' name. Amen.

ACTING PRESIDENT BONACIC: Thank you, Reverend.

The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 27, the Senate met pursuant to adjournment. The Journal of Monday, May 26, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT BONACIC: 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 will read.

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

As a justice of the Supreme Court

of the First Judicial District, Honorable Shirley W. Kornreich, of New York City.

ACTING PRESIDENT BONACIC: I call on Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, Mr. President.

We had a Judiciary Committee meeting today, and prior to that meeting, there was a thorough review of each of the nominations that were sent to us by Governor Paterson. And each of the individuals were found to be well qualified, and all passed unanimously to the full house from the Judiciary Committee to consider the nomination.

And with respect to the first nominee, Honorable Shirley W. Kornreich, of New York City, as a justice of the Supreme Court of the First Judicial District, I would move that nomination.

ACTING PRESIDENT BONACIC: Any Senator wishing to be heard?

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

I'm very pleased to second the nomination of Shirley Kornreich. She's an outstanding judge and will really do a fine job, I'm sure, as a member of the Supreme Court from the First Judicial District.

And I'm pleased and honored to be able to second her nomination.

ACTING PRESIDENT BONACIC: Senator Perkins.

SENATOR PERKINS: Mr. President, I just want to take a moment to express my support for this nomination.

I have had the honor of knowing this nominee from when she was a civil court judge in Manhattan, in New York County. And since then, she's become an acting Supreme Court judge.

And what's even more extraordinary about her service is her story, her family's story, which is an American success story, so to speak, in which they have met many challenges, overcome many challenges, and make us all proud to see how up the ladder of success she and her family have come from humble beginnings to now be at a point where

they can share their gifts for the people of the State of New York.

And so I'm honored to be here as a fellow Manhattanite, wishing her good luck and appreciating what she has done and congratulating the Governor on this nomination.

ACTING PRESIDENT BONACIC: Thank you, Senator Perkins.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. I also just stand to rise briefly to congratulate Judge Shirley Kornreich on her, I guess, promotion by the Governor.

She is a well-known and respected member of the judiciary from Manhattan Island who I've had the chance to meet any number of times over the years, and I'm delighted that Governor Paterson has seen fit to nominate her to be moved today by this chamber.

Thank you, Mr. President.

ACTING PRESIDENT BONACIC: Thank you, Senator Krueger.

Anyone else wishing to be heard?

The question is on the nomination of Shirley W. Kornreich, of New York City, as a justice of the Supreme Court. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BONACIC: Anyone opposed say nay.

(No response.)

ACTING PRESIDENT BONACIC: Justice Shirley Kornreich, congratulations. You are hereby confirmed as a justice of the Supreme Court of the First Judicial District.

(Applause.)

ACTING PRESIDENT BONACIC: I noticed among those who were clapping the loudest was her husband, Edward. She's also joined by her children, Mollie, Davida, and Larry; mother, Dina Werner; and mother-in-law, Selma Kornreich.

Congratulations, and thank you all for being here.

(Applause.)

ACTING PRESIDENT BONACIC: The Secretary will read.

THE SECRETARY: As a judge of the

Otsego County Court, Jill Ghaleb, of Cooperstown.

ACTING PRESIDENT BONACIC: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President.

I rise to move the nomination of Jhilmil (Jill) Ghaleb, of Cooperstown, as a judge of the Otsego County Court. And I'd request that you call on Senator Seward for a second.

ACTING PRESIDENT BONACIC: Senator Seward.

SENATOR SEWARD: Thank you, Senator DeFrancisco and Mr. President. I rise in support of this nomination, and to second it.

The system that we have in Otsego County, we have two county judges, and they are three-hatted judges. Our County Court judge handles County Court, the Surrogate's Court and Family Court. And last fall one of our county judges was elected to the Supreme Court. Thus, we have a vacancy.

And there is a heavy caseload in

the Otsego County Court, and the Governor has nominated Jill Ghaleb to fill the vacancy until an election can be held. And in light of the fact that we have that heavy caseload and the Governor has made this nomination, I stand in support of her confirmation here today.

Jill Ghaleb was educated at Utica College and then went on to New York Law School, passed the bar on her first attempt in July of 1990, and since that time has been in private practice in Central New York.

And also, in addition to her professional career, she and her husband have been very active in the community, serving in many community organizations and being supportive of many community organizations.

I stand to congratulate you, Jill, upon assuming this post, as well as your proud husband, Dr. Ghaleb, and your parents, Dr. Bishu and Gouri Dey, as well as your mother-in-law, Samira Foster.

Congratulations. And we need you on the Otsego County bench to fill the year to take care of that heavy caseload.

Thank you, Mr. President.

ACTING PRESIDENT BONACIC: Thank you, Senator Seward.

Anyone else wishing to be heard?

The question is on the nomination of Jill Ghaleb as a judge of Oswego [sic] County Court. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BONACIC: Opposed, nay.

(No response.)

ACTING PRESIDENT BONACIC: Jill Ghaleb is confirmed as a judge of the Otsego County Court. She is joined by her husband, Dr. Hany Ghaleb; her parents, Dr. Bishu and Gouri Dey; and her mother-in-law, Samira Foster.

Congratulations to you, Your Honor.

(Applause.)

SENATOR DeFRANCISCO: Mr. President, I just wanted to clarify the record. It's Otsego County Court. We don't want to send her to the wrong courthouse.

(Laughter.)

ACTING PRESIDENT BONACIC: Thank you, Senator DeFrancisco.

Senator DeFrancisco, you're up.

SENATOR DeFRANCISCO: Thank you.

I now move the nomination of Stephen R. Hunter, of Chester, as a judge of the Orange County Surrogate Court.

ACTING PRESIDENT BONACIC: The Secretary will read.

THE SECRETARY: As a judge of Orange County Surrogate Court, Honorable Stephen R. Hunter, of Chester.

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

The question is on the nomination of Stephen R. Hunter as a judge of the Orange County Surrogate Court. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BONACIC: Anyone opposed?

(No response.)

ACTING PRESIDENT BONACIC: Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: Mr.

President, since you are there presiding this afternoon, I did want to mention a little bit about Mr. Hunter, who is from your district, concerning his qualifications.

As was mentioned by Senator Volker during our committee meeting, Mr. Hunter has the unique background of being a mechanical engineer and then going on to law school. Only the finest lawyers started off as engineers, and I can speak very clearly about that from personal experience.

In addition, his resume is full of all types of appointments and public service -- school board, town board, town justice, village justice, and it goes on and on and on.

He's the type of individual I believe that has that broad cross-section of background and experience that will make an excellent Surrogate Court judge. And I would request that -- I'm sure that it will happen anyway, but I think he's well deserving of a unanimous vote for confirmation.

ACTING PRESIDENT BONACIC: Thank you, Senator DeFrancisco.

I joined in your accolades at the Judiciary Committee with respect to our friend Stephen Hunter.

Again, the question is on the nomination for Stephen Hunter. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BONACIC: Opposed, nay.

(No response.)

ACTING PRESIDENT BONACIC: It is now confirmed, Stephen R. Hunter is a judge of the Orange County Surrogate Court.

He's joined by his wife Anne; daughter, Elizabeth Hunter; and son-in-law, Brett Broge.

Steve, congratulations.

(Applause.)

ACTING PRESIDENT BONACIC: The Secretary will read.

THE SECRETARY: As a judge of the Court of Claims, O. Peter Sherwood, of New Rochelle.

ACTING PRESIDENT BONACIC: Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President, I move the nomination of O. Peter Sherwood, of New Rochelle, as a judge of the Court of Claims.

And I'd just like to note that we haven't seen each other for probably a long time -- I won't give the number of years -- but as we were talking earlier today, we realized that we took the New York State bar examination in the same building back in 1971 or thereabouts.

So he's no doubt well qualified, having passed the bar examination from that venue. And I would move his nomination.

ACTING PRESIDENT BONACIC: Thank you, Senator DeFrancisco.

Anyone else wishing to be heard?

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you.

I too, as a member of the Judiciary Committee, want to congratulate the Governor again on the wonderful nominations that he has sent to our committee for confirmation. And certainly in the case of each of the

candidates, they are very worthy.

I wanted to just second the nomination of O. Peter Sherwood. And Peter Sherwood has been a -- his history is really Brooklyn, and so that as he talked this morning, everyone was giving him the accolades of New York. But I shared with him the fact that he failed to recognize the Westchester roots that he has as well.

And so as a representative of Westchester County, I wanted to be a part of this congratulations of new Judge Sherwood for a post to which he is more than qualified and worthy to serve.

Thank you, Mr. President.

ACTING PRESIDENT BONACIC: Thank you, Senator Hassell-Thompson.

Senator Sabini.

SENATOR SABINI: Thank you, Mr. President.

I too wanted to congratulate the Governor on his nomination of Peter Sherwood for the Court of Claims.

I had the privilege of serving on the City Council's Governmental Operations

Committee of New York City, which had jurisdiction over the city's Department of Law when Mr. Sherwood was the corporation counsel. Which, for those who are outside the city, is the commissioner of the Department of Law. And he served with grace and style and efficiency that served New York City well. We lost him back to Westchester.

But I am sure he'll make a fine judge of the Court of Claims, and I'll be voting in favor.

Thank you.

ACTING PRESIDENT BONACIC: Thank you, Senator Sabini.

Anyone else wishing to be heard?

The question is on the nomination of O. Peter Sherwood, of New Rochelle, as a judge of the Court of Claims. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BONACIC: Those opposed, nay.

(No response.)

ACTING PRESIDENT BONACIC: O. Peter Sherwood is hereby confirmed as a judge

of the Court of Claims.

He's joined by his wife, Ruby, and his partner, Marcia Alazraki.

Congratulations, Your Honor.

(Applause.)

ACTING PRESIDENT BONACIC: The Secretary will read the report of the Finance Committee, please.

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

As a member of the Buffalo and Fort Erie Public Bridge Authority-Peace Bridge, Paul J. Koessler, of Buffalo.

As a member of the Small Business Advisory Board, Richard M. Bivone, of East Meadow.

As members of the Medical Advisory Committee, Elena Padilla, of New Rochelle; Robert A. Schwartz, M.D., of Manilus; and Buddhi M. Shrestha, of Rochester.

As a member of the Advisory Council on Alcoholism and Substance Abuse Services, Robert A. Ross, of East Chatham.

As members of the Council on Human

Blood and Transfusion Services, Lazaro Generoso Rosales, M.D., of Fayetteville, and Donna Skerrett, M.D., of Mount Vernon.

As a member of the Board of Visitors of the Finger Lakes Developmental Disabilities Services Office, Leo R. Downey, Jr., of Livonia.

And as members of the Queens Children's Psychiatric Center, Jack M. Friedman, of Queens Village, and Rebecca L. Skinner, of New York City.

ACTING PRESIDENT BONACIC: Senator Johnson.

SENATOR OWEN JOHNSON: I move the nominations.

ACTING PRESIDENT BONACIC: The question is on the nomination of the nominees as read by the Secretary. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BONACIC: Those opposed, nay.

(No response.)

ACTING PRESIDENT BONACIC: The nominees are hereby confirmed as read by the

Secretary.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Volker, Mr. President, I wish to call up his bill, Senate Print 1653. It's recalled from the Assembly, and it's now at the desk.

ACTING PRESIDENT BONACIC: The Secretary will read.

THE SECRETARY: Calendar Number 905, by Senator Volker, Senate Print 1653, an act to amend the Executive Law.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

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

ACTING PRESIDENT BONACIC: The amendments are received.

SENATOR FARLEY: Mr. President, on behalf of Senator Skelos, I wish to call up his bill, Print Number 962A. It's been recalled from the Assembly, and it's now at the desk.

ACTING PRESIDENT BONACIC: The Secretary will read.

THE SECRETARY: Calendar Number 693, by Senator Skelos, Senate Print Number 962A, an act to amend the Public Officers Law and the Civil Practice Law and Rules.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

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

ACTING PRESIDENT BONACIC: The amendments are received.

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

By Senator Leibell, on page 9, Calendar Number 17, Senate Print 3587;

For Senator Leibell, on page 9, Calendar Number 19, Senate Print 3743;

Also for Senator Leibell, on page 29, Calendar Number 601, Senate Print 4700;

For Senator Leibell again, on page 33, Calendar Number 680, Senate Print 2382;

And for Senator Leibell, on page 36, I think it's Calendar Number 737, and it's Senate Print 3637;

For Senator Saland, on page 47, Calendar Number 970, Senate Print 7184;

For Senator DeFrancisco, on page 56, Calendar Number 1133, Senate Print 6358;

For Senator Saland, on page 70, Calendar Number 1298, Senate Print 1599;

And for Senator Saland, on page 85, Calendar Number 1456, Senate Print 7949.

Mr. President, I now move that

these bills retain their place on the order of the Third Reading Calendar.

ACTING PRESIDENT BONACIC: Thank you, Senator Farley.

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

Senator Skelos.

SENATOR SKELOS: Mr. President, there are substitutions at the desk. If we could make them at this time.

ACTING PRESIDENT BONACIC: The Secretary will read.

THE SECRETARY: On page 30, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 7120B, and substitute it for the identical Senate Bill Number 3964C, Third Reading Calendar 615.

On page 49, Senator Breslin moves to discharge, from the Committee on Transportation, Assembly Bill Number 9442, and substitute it for the identical Senate Bill Number 6505, Third Reading Calendar 1016.

On page 52, Senator Trunzo moves to

discharge, from the Committee on Local Government, Assembly Bill Number 8665 and substitute it for the identical Senate Bill Number 5859, Third Reading Calendar 1077.

On page 61, Senator Leibell moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 10486 and substitute it for the identical Senate Bill Number 7791, Third Reading Calendar 1192.

And on page 68, Senator Rath moves to discharge, from the Committee on Social Services, Children and Families, Assembly Bill Number 8722A and substitute it for the identical Senate Bill Number 5860A, Third Reading Calendar 1272.

ACTING PRESIDENT BONACIC: The substitutions are ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could adopt the Resolution Calendar at this time.

ACTING PRESIDENT BONACIC: All in favor of adopting the Resolution Calendar signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BONACIC: Opposed, nay.

(No response.)

ACTING PRESIDENT BONACIC: The Resolution Calendar is hereby adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, Resolution 3401, by Senator Fuschillo, was previously adopted. If we can have it read in its entirety at this time, and then if you would recognize Senator Fuschillo.

ACTING PRESIDENT BONACIC: The Secretary will read.

THE SECRETARY: By Senator Fuschillo, Legislative Resolution Number 3401, congratulating the Long Island Blue Demons Baseball Team upon the occasion of capturing the 2007 Babe Ruth World Series in Alabama.

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

"WHEREAS, Athletic competition

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

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, it is the sense of this Legislative Body to congratulate the Long Island Blue Demons Baseball Team upon the occasion of capturing the 2007 Babe Ruth World Series in Alabama; and

"WHEREAS, To reach the Babe Ruth World Series, the Long Island Blue Demons Baseball Team won the New York State championships in Queens and the regional championships in State College, Pennsylvania, amassing a perfect 12-0 record; and

"WHEREAS, Competing against nine other teams from across the country, the Long Island Blue Demons Baseball Team went 6-0 and defeated a team from Henderson, Kentucky, 6-0, in the championship game to become the first

squad from Long Island to win the title; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Manager Fred Kreuder and Coaches Pete August and Bill Faust, skilled and inspirational tutors who have done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Loyally and enthusiastically supported by family, fans and friends, the Long Island Blue Demons Baseball Team have proven themselves to be an unbeatable combination of talents, reflecting favorably on their community; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Long Island Blue Demons Baseball Team; its members -- Jesse Signa, Brett Barnathan, Ronald Remi, John Dunn, Christian Faust, Robert Cafiero, Robert Tomasulo, Richard Bianchi III, Kyle Tracy, Douglas Marshall, Alejandro Marine, Brian Mauro, Peter August, Bryan Verbitsky and Dino Tomassetti -- Manager Fred Kreuder and Coaches

Pete August and Bill Faust upon the occasion of capturing the 2007 Babe Ruth World Series; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Long Island Blue Demons Baseball Team, Manager Fred Kreuder and Coaches Pete August and Bill Faust."

ACTING PRESIDENT BONACIC: Senator Fuschillo.

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

It seems like it's a common occurrence when I get up on the floor of this house and congratulate a championship team from my district.

And today we have another one. We have a group of boys from my district, Senator Skelos' district, Senator Hannon's district, and Senator Marcellino's district that came together. And the coach, Freddie Kreuder, has been coaching these kids since they were five or six years old. And he's beaming with pride and joy as I look at him in the gallery.

The kids came up today, had a tour

of the museum, we had lunch, they toured the Capitol, they met Senator Bruno and my colleagues. It's a great bunch of kids.

They won the New York State Championship in Queens. They went on to win the Eastern Regionals in Penn State. Then they went down to Andalusia, Alabama. And that was the host city, and there was a host team there. And the day they arrived, they were greeted by about a thousand residents of a small 9,000 resident community.

And they opened up their arms. The residents there hosted the boys. The kids stayed in houses, they had their clothes washed by the local merchants. It was a pretty good life, Freddie, for that week.

And they played nine other -- there were nine teams from around the country. And when they went to play Florida, Florida said: Well, we're going to teach these boys from New York how to play. They scored 13 runs in the first inning, and I believe they beat them 13 to 2.

And they went on to win the World Series, The United States World Series for the

Babe Ruth League.

One batted over 600 for the tournament. Another pitcher had a seven-hit complete game shutout. Somebody won a Golden Glove Award for the best fielder. Fierce competitors on the field.

But that doesn't really tell the story of what these boys are like. There was a young boy that was their batboy, a 12-year-old boy that saved up his money to buy them gum and sesame seeds, sunflower seeds for every game. And he liked music, he liked to play the guitar. But he rented a guitar.

So these kids, they chipped in their own money, and they ended up buying him a guitar. They signed it, put a little saying on it from the Bible: "With God, everything is possible."

But that tells you what the character of these boys are like. Fierce competitors on the field, but a humanistic side off the field.

Freddie, I congratulate you and your managers, all the families -- and even the grandfather who's here today -- on the

success of these boys, but mostly for the character that you've instilled into them. Congratulations.

Ladies and gentlemen, please welcome the Babe Ruth champions, the Long Island Blue Demons. Congratulations.

(Applause.)

SENATOR FUSCHILLO: Thank you, Mr. President.

ACTING PRESIDENT BONACIC: Senator Fuschillo, do you think that we have some candidates here that could help the Yankees and the Mets that are struggling?

SENATOR FUSCHILLO: I think both teams could use a lot of help.

(Laughter.)

ACTING PRESIDENT BONACIC: Thank you, gentlemen.

I have Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

It's a pleasure to rise up and congratulate these young men. They're a credit to their community; they're a credit to their families. Somebody's done something

right in bringing these people up, because they know what's important. The story that Senator Fuschillo just told you about them chipping in their own money to help someone else tells you of their character.

ACTING PRESIDENT BONACIC: Excuse me, Senator.

Can we please keep the noise down and be respectful to Senator Marcellino.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President. I appreciate the help.

Unfortunately, we don't read often enough in our newspapers and hear in the media stories about young men like this who do the right thing for all the right reasons. Unfortunately, we read always about people who do the wrong thing and get in trouble. If you were to believe what you read, you would think a generation was going to you-know-where in a handbasket.

We know that's not the case. These young men have proved it once again. They're great people. They're going to be a credit to our community, a credit to our state and a

credit to our nation.

Again, I congratulate you. Enjoy yourselves. This is a life -- almost a life-changing experience. It's something you're going to talk about for the rest of your days, and I wish them to be many.

Congratulations and God bless each and every one of you. God bless your families as well.

(Applause.)

ACTING PRESIDENT BONACIC: Thank you, Senator Marcellino.

The resolution has been previously adopted.

Senator Skelos.

SENATOR SKELOS: Let me just add my congratulations to all of you.

I know that you're going to continue to excel in academics, certainly in sports. And I was talking with Senator Stachowski. He says eventually he'd love to be your agent. I'd love to be your attorneys when you make it to the majors.

So congratulations to all of you.

(Applause.)

ACTING PRESIDENT BONACIC: Senator Skelos.

SENATOR SKELOS: If we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT BONACIC: The Secretary will read.

THE SECRETARY: Calendar Number 545, by Senator DeFrancisco, Senate Print 1829C, an act to amend the Penal Law, in relation to identity theft.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 120th day.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 553, by Senator Bonacic, Senate Print 6755A, an act to amend the Penal Law, in relation to unlawful surveillance.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of November.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 615, substituted earlier today by Member of the Assembly Gianaris, Assembly Print Number 7120B, an act to amend the Insurance Law, in relation to specifying.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BONACIC: The

bill is passed.

THE SECRETARY: Calendar Number 823, by Senator Little, Senate Print 7347, an act to authorize certain healthcare professionals.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 2. This act shall take effect July 16, 2008.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 890, by Senator Farley, Senate Print 2745, an act to amend the Banking Law, in relation to requirement for licensure.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 891, by Senator Farley, Senate Print 2866, an act to amend the Banking Law, in relation to second branch.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 954, by Senator Larkin, Senate Print 427, an act to amend the Tax Law, in relation to partial eligibility.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 999, by Senator Volker, Senate Print 7416, an act to amend the Penal Law, in relation to assaults in detention facilities.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number

1000, by Senator Lanza, Senate Print 7528, an act to amend the Penal Law, in relation to prohibiting the possession of plastic knuckles.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first of November.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1016, substituted earlier today by Member of the Assembly Hoyt, Assembly Print Number 9442, an act to amend Chapter 584 of the Laws of 2007 relating to the definition of "Erie Canal."

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1028, by Senator Skelos, Senate Print 6722A, an act to legalize, validate, ratify and confirm certain transportation contracts.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1030, by Senator Little, Senate Print 7003, an act to authorize approval of a certain transportation contract.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1042, by Senator Alesi, Senate Print 268A, an act to amend the Executive Law, in relation to certain notifications.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number

1066, by Senator Skelos, Senate Print 7713A, an act to amend the Executive Law, the Tax Law and the Correction Law, in relation to requiring.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of January.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BONACIC: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes. There is no question that the status of a sex offender in the State of New York is a status that carries very, very adverse consequences.

First of all, you have been convicted of a crime, and there's various levels of sex offenders. And those crimes that you've been convicted of end up having some type of punishment, a sentence of some type. And then after that, you're put on a registry and it obviously affects you the rest of your life.

I think this one goes one step too far, that automatically $600 or more goes to the victim's witness fund, no matter what level of sexual offender that you're labeled as, no matter how long after the event took place, no matter the equities that may have happened since. I just think this has gone one step too far.

I think there should be -- If someone has lost something, has received damages as a result of whatever the sex offender did, they could bring suit, they can go after that individual once that person comes across some money. I think that's the proper way to do this, rather than an automatic forfeiture no matter what time and no matter how much or the level of the offender.

So I vote no, with that explanation.

ACTING PRESIDENT BONACIC: Anyone else wishing to be heard?

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1066 are

Senators DeFrancisco, Duane, Hassell-Thompson, Montgomery, Parker, Perkins, Savino and Serrano.

Ayes, 51. Nays, 8.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1076, by Senator Young, Senate Print 4571, an act to amend the Real Property Tax Law, in relation to authorizing.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1077, substituted earlier today by Member of the Assembly Eddington, Assembly Print Number 8665, an act in relation to authorizing the village of Bellport in the County of Suffolk.

ACTING PRESIDENT BONACIC: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Hassell-Thompson recorded in the negative.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1078, by Senator Marcellino, Senate Print 6870, an act to amend Chapter 226 of the Laws of 2003 relating to establishing the Brookville Library Funding District.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1192, substituted earlier today by Member of the Assembly Abbate, Assembly Print Number 10486, an act to amend the Civil Service Law, in relation to employment.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BONACIC: Senator Leibell, to explain his vote.

SENATOR LEIBELL: Thank you, Mr. President.

This bill was part of a package of bills that the Senate Majority put forth last week at a press conference just prior to Memorial Day. It's a recognition of the tremendous sacrifices that have been made by our servicemen and -women, especially in the

recent conflict in Iraq and Afghanistan.

This legislation is going to open up a noncompetitive situation a significantly increased number of positions for returning disabled veterans. It's a commitment we have made to our veterans.

I think it will be a great light for private employers to follow. It's an example for them how we should be taking care of all those who have served and worked so hard for our nation.

I vote aye. Thank you, Mr. President.

ACTING PRESIDENT BONACIC: Thank you, Senator Leibell.

Anyone else wishing to be heard?

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 0.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1203, by Senator Saland, Senate Print 1097, an act to amend the Education Law, in relation to powers of the Board of Cooperative Educational

Services.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1225, by Senator Little, Senate Print 7914, an act to amend the General Municipal Law, in relation to construction.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1252, by Senator Larkin, Senate Print 347A, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law and the Tax Law, in relation to making persons convicted.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 5. This act shall take effect January 1 next succeeding.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1255, by Senator Larkin, Senate Print 2721A, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to imposition of fees.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1264, by Senator Larkin, Senate Print 1480, an act to amend the Agriculture and Markets Law, in relation to including.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 10. This act shall take effect on the 180th day.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1267, by Senator Nozzolio, Senate Print 4111, an act to amend the Agriculture and Markets Law, in relation to building on farmland.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1272, substituted earlier today by Member of the Assembly Ortiz, Assembly Print Number 8722A, an act to amend the Domestic Relations Law and the Military Law, in relation to child custody.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The

bill is passed.

THE SECRETARY: Calendar Number 1281, by Senator Bonacic, Senate Print 462, an act to amend the Administrative Code of the City of New York, in relation to requiring the Department of Environmental Conservation.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1297, by Senator Flanagan, Senate Print 796, an act to amend the Tax Law, in relation to exemptions.

ACTING PRESIDENT BONACIC: There is a local fiscal impact note at the desk.

Read the last section.

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

sales tax quarterly period.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1315, by Senator Flanagan, Senate Print 7957, an act to amend the Executive Law, in relation to the display of certain flags.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1380, by Senator Fuschillo, Senate Print 3079, an act to amend the Penal Law, in relation to

criminal impersonation.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1381, by Senator Fuschillo, Senate Print 3080, an act to amend the Penal Law, in relation to creating the crime of committing an offense while impersonating a police officer or peace officer.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1384, by Senator Fuschillo, Senate Print 4721A, an act to amend the Penal Law and the Criminal Procedure Law, in relation to identity theft.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 14. This act shall take effect on the 90th day.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1385, by Senator Young, Senate Print 4875, an act to amend the Criminal Procedure Law, in relation to authorizing.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1449, by Senator Skelos, Senate Print 4332, an act to amend the Correction Law, in relation to the registration of sex offenders.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 1451, by Senator Rath, Senate Print 4636, an act to amend the Correction Law, in relation to knowingly harboring a sex offender.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BONACIC: The bill is passed.

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

SENATOR SKELOS: Mr. President, Calendar Number 1066, Senate 7713A, my bill which passed previously, I'd like to move to reconsider the vote by which it passed and lay the bill aside.

ACTING PRESIDENT BONACIC: The Secretary will read.

THE SECRETARY: Calendar Number 1066, by Senator Skelos, Senate Print 7713A, an act to amend the Executive Law and others.

ACTING PRESIDENT BONACIC: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

Senator Skelos.

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

ACTING PRESIDENT BONACIC: There is none.

SENATOR SKELOS: I move we stand adjourned until Thursday, May 29th, at 11:00 a.m.

ACTING PRESIDENT BONACIC: Thank you, Senator Skelos.

On motion, the Senate stands adjourned until Thursday, May 29th, at 11:00 a.m.

(Whereupon, at 3:54 p.m., the Senate adjourned.)