NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:17 p.m.

REGULAR SESSION

SENATOR GEORGE H. WINNER, JR., Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT WINNER: 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 WINNER: In the absence of clergy, may we bow our heads in a moment of silence.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT WINNER: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, December 14, the Senate met pursuant to adjournment. The Journal of Saturday, December 13, was read and approved. On motion, Senate adjourned.

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

May we have some order, please.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's a report of the Judiciary Committee at the desk.

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

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

As justice of the Supreme Court of the Second Judicial District, Honorable Lewis Bart Stone, of New York City.

ACTING PRESIDENT WINNER: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you.

I'm proud to rise and explain that the three nominees that will be presented to the full Senate today all have been thoroughly reviewed by not only the Governor's office but also by the State Senate; in fact, reviewed so carefully that we didn't get these on the

floor when they really wanted to come here a couple of weeks ago.

In addition, each of the nominees went before the Senate Judiciary Committee this morning and all were determined to be well-qualified, and with the unanimous recommendation for all three to be sent to the full Senate.

With respect specifically to Judge Lewis Bart Stone, I just want to mention that Judge Stone has been a Court of Claims judge since 2000, and he's got an extremely distinguished career before that, including a partner in the firm of Rogers & Wells.

What I found particularly interesting was that not only did he go to Harvard Law School, but he went to RPI and had a degree in biomedical, I guess, chemical engineering. And I've always felt that people with engineering backgrounds always make the best lawyers.

And with that said, I'm proud to move his nomination.

ACTING PRESIDENT WINNER: The question is on the nomination of the Honorable

Lewis Bart Stone as justice of the Supreme Court of the Second Judicial District. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: Justice Stone is hereby confirmed as justice of the Supreme Court of the Second Judicial District.

Justice Stone is here today and is accompanied by his wife, Gretchen.

My congratulations to you, Justice.

(Applause.)

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: As a judge of the Court of Claims, Honorable Frank P. Milano, of Delmar.

ACTING PRESIDENT WINNER: Senator DeFrancisco.

SENATOR DeFRANCISCO: I also move the nomination of the Honorable Frank P. Milano for the position of judge of the Court of Claims.

And I would request that you recognize Senator Breslin for a second.

ACTING PRESIDENT WINNER: Senator Breslin.

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

I rise to support and second the nomination of Frank Milano, who back in 2006 was a Governor Pataki appointment, one of many Governor Pataki's appointments who were extremely well-qualified for the position. He's had an exemplary record while on the bench for the past two years.

Prior to that, he had served in any number of different legal capacities, including but not limited to as a town judge. He'd been the partner in a major Albany law firm, had worked -- as a matter of fact, to show you how much experience he had, he worked for the Senate Majority back in the early '80s, was deputy Secretary of State and general counsel.

But most importantly, extremely well-qualified, nonpartisan, and -- which I hope doesn't affect the other side -- a friend

of mine. And I'm happy to second that nomination of Frank Milano.

ACTING PRESIDENT WINNER: The question is on the nomination of Frank P. Milano as a judge of the Court of Claims. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: Judge Frank P. Milano is hereby confirmed as a judge of the New York State Court of Claims.

He is also accompanied by his father, Frank, and his son, Peter.

My congratulations to you, Judge. And good luck to you.

(Applause.)

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: As a judge of the Court of Claims, Michael H. Melkonian, of West Sand Lake.

ACTING PRESIDENT WINNER: Senator DeFrancisco.

SENATOR DeFRANCISCO: I'd move the nomination of Michael H. Melkonian, of West Sand Lake, as a judge of the Court of Claims.

I know he was concerned during the Judiciary Committee meeting about whether or not his children were going to behave in Senate chambers, but they're behaving better than he is, I believe.

And with that said, I would request that you call on Senator Maltese to second the nomination.

ACTING PRESIDENT WINNER: Senator Maltese.

SENATOR MALTESE: Yes, Mr. President, I'm very pleased and honored to second the nomination of Mike Melkonian.

He graduated cum laude from Marist College. He is a St. John's Law School graduate. He worked on staff as my chief counsel in 1992 to 1994.

His experience is varied, certainly, serving with the New York State Department of Law, in the Litigation Bureau; he worked there for two years. He was with

the New York State Office of Mental Health as assistant counsel for two years.

In addition, at the same time, he served for seven years as a judge advocate and headquarters commander with the United States Army Reserve, was also two years with the New York State Army National Guard as a military liaison.

And he served as assistant counsel to the Majority for eight years here in Albany.

He's definitely one of our own, a man of high integrity. He has also served as deputy counsel for four years with the Rensselaer County Legislature, and most recently he was with the New York State Legislative Bill Drafting Commission as a commissioner.

Certainly he's someone I've come to know over the years, both personally and professionally. I'm very pleased that he met his wife, Caroline, while both were serving in my office.

It's my great pleasure and honor today to second the nomination of Mike

Melkonian as a judge of the Court of Claims.

ACTING PRESIDENT WINNER: Thank you, Senator Maltese.

Senator Flanagan.

SENATOR FLANAGAN: Thank you, Mr. President. I just wanted to speak on the nomination.

Mike I think is a very good example of a lot of things that we don't often read about. You look at government generally and you look at people who work in the public sector, and oftentimes if we succeed it's because we work with good people, people who are sometimes behind the scenes more than they are in front.

I think he is a perfect example of someone who has been a terrific team player, incredibly loyal, diligent. I had a chance to work with him extensively when I chaired the Election Law Committee when we were dealing with some very thorny and delicate issues involving HAVA. He was the consummate professional. I think he speaks volumes about what it means to be in public service.

And frankly, he's a good guy, and

it's just nice to see somebody who's a good guy succeed.

Mike, congratulations.

ACTING PRESIDENT WINNER: Senator Farley.

SENATOR FARLEY: Thank you. I rise also to support the nomination of Michael, who not only is a member of this Senate family, he's served with great distinction in a lot of roles here.

You know, I don't think I've seen any judge ever being appointed that's brought nine members of his family here with him. That just shows you what a family guy he is.

But Mike is not only a great person and a loyal -- as John was saying, is a loyal member of this house, but you've served with distinction in our bill drafting area and in a nonpartisan, bipartisan way.

And I'm pleased to support your nomination, Mike. Good luck to you.

ACTING PRESIDENT WINNER: Senator Volker.

SENATOR VOLKER: Yeah, I just want to say -- and my voice is a little shaky

today because I got a nasty cold that I brought back from western New York.

Mike Melkonian is one of the people who we call a go-to guy. If you need help in a whole series of areas, he was a guy who would -- you'd go to to help you.

Just recently, he was supposed to be sent over to Iraq, and some of us were a little concerned about security around here. And whatever happened, they didn't send him. And he walked in one day and I said, "Jeez, thank goodness, I didn't feel safe with Mike not being here." And the guy next to me said, "I didn't even know who he was." I said, "Well, that just goes to show you."

And Mike's been around for here for a lot of years -- a fine gentleman, a very bright and erudite guy. He'll be perfect for the Court of Claims.

And I wish you the best of luck.

ACTING PRESIDENT WINNER: Senator Maziarz.

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

I rise too to second this

nomination of Judge Melkonian. It's great to see him here today with his family. Mike, as Senator Farley said, is a member of this Senate team, the whole team, and has done a great job.

And I know, particularly on the criminal justice issues, a family in my district had a son who was killed by a drunk driver, and the father happened to be involved in the military, and he really connected well with Mike. And you really helped that family over a very, very -- the most tragic incident, of course, in their entire life.

And you're going to be a great judge on the Court of Claims, Mike. We're going to miss you here, but this is a great step for you. Congratulations to you and to your family.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. I too want to join my colleagues in seconding the nomination of Mike Melkonian.

I worked with Mike when I chaired the Mental Health Committee, and Mike was instrumental in helping us put together and author a number of major pieces of legislation to help people with mental illness and developmental disabilities in this state.

And, Mike, for your commitment and assistance, I want to say thank you there. And certainly for your service to our country, I want to again, on this floor, say thank you. And I know that you're going to make an outstanding Court of Claims judge.

ACTING PRESIDENT WINNER: The question is on the nomination of Michael H. Melkonian as a judge of the Court of Claims. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT WINNER: Michael H. Melkonian is hereby confirmed as a judge of the New York State Court of Claims.

Congratulations, Judge.

He's accompanied by his wife,

Caroline; his children, Olivia and Max; his parents, Cedric and Alice; his brother Ken and his wife Lucinda; and his sister Karin and her husband Russ.

Again, my congratulations and best wishes to you.

(Applause.)

ACTING PRESIDENT WINNER: Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT WINNER: Senator Libous.

SENATOR LIBOUS: Could we adopt the Resolution Calendar, with the exception of Calendar Number 7195, 7363 and 7463, please.

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

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Could we have Resolution 7195 and have its title read, please.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: By Senator C. Johnson, Legislative Resolution Number 7195, mourning the death of Rhoda Amon, a woman of singular distinction and extraordinary accomplishment.

ACTING PRESIDENT WINNER: Senator Johnson.

SENATOR CRAIG JOHNSON: Thank you, Mr. President.

This resolution honors the life of Rhoda Amon, a Port Washington resident, newspaper reporter for more than four decades, and a trailblazing member of her profession. She passed away on October 25th of this year, leaving Long Island, New York State, and newsrooms everywhere much better places than she found them.

For 42 years, Rhoda worked at Newsday, earning a reputation as an intrepid features reporter with a thirst for travel. She reported from foreign countries and interviewed those who control the levers of power. However, it was the humanity and the care that she took when writing about everyday Long Islanders and her drive for equality were what distinguished her as a journalist and as a person.

Rhoda managed not only to break the glass ceiling in the newsroom, but also managed to tear down a few walls as well. She was among a group of female reporters who were tired of being constrained to the society pages and paid less than their male counterparts, who filed a federal lawsuit that resulted in changes to Newsday's hiring practices. And it was actually through pay equity, a goal she continued to seek decades after her own legal action, that led our paths to cross.

In my interactions with Rhoda, she was always fair and never flinching in her questions. Her attention to detail and

dedication to accuracy were second to none, as was her commitment to see what was just.

It was these qualities that Rhoda had instilled in the reporters that she had mentored, including her grandson, Michael, who for the last few years sat a couple of desks away from her at Newsday.

Last month I joined hundreds of others at a memorial service honoring Rhoda. For nearly two hours, person after person detailed the tremendous impact that she had on their lives. What stuck out in my own mind was one woman, a wife of a soldier who had returned from Iraq and was denied medical treatment that he needed.

In reporting out a story about this struggle, this woman talked about how Rhoda put her and her husband at ease as they were talking about what had become a deeply personal situation. The woman said that the resulting article not only did them justice, but that her husband would not be alive today without Rhoda.

That was only one story. I know there are many more like it. We are all

richer for having Rhoda in our life. She is missed by those who knew her, by those who loved her, and all of those who she touched through her work, through her words, and through her pursuits. I count myself as one of them.

Thank you very much, Mr. President. I certainly open up this resolution for cosigners.

ACTING PRESIDENT WINNER: All those in favor of Resolution 7195 signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

The Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 7363, paying tribute to the many accomplishments of President John F. Kennedy and memorializing the 45th anniversary of his death on November 22, 2008.

ACTING PRESIDENT WINNER: Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

You know, I had hoped to do this on the 18th of November, but, you know, circumstances beyond my control prohibited, so we're here today.

You know, my relationship with President Kennedy was small but sincere. In April 1963, we were informed by Ambassador Goodell that President Kennedy would visit Europe in June of 1963. The accomplishments and turmoil of doing such a job that encompassed all the armed forces that were then stationed in Europe and assembled them to Germany and pay specific attention to some of the things that the president wanted.

The president wanted to visit with troops at the troop level. The president wanted to eat with the enlisted men, not the officers. The president wanted to talk to some airborne people.

To one airborne gentleman, the president said: "I see you've jumped a lot."

He said, "Yes, but they won't let me jump anymore, because I'm 57 years old." President Kennedy turned around to the commander of the airborne unit, and said "Why not?" He said, "I've been here two weeks, sir, but he'll jump tomorrow."

He said, "Thrill jumping" -- the master sergeant says to the president, "It's the biggest thrill you'll ever get in your life." And ladies and gentlemen, the president looked at him and said, "There are people who will differ with you."

Who laughed?

But President Kennedy's attitude while he was in Europe, the immense personal feeling he had about the troops, talking to them at every level, making sure that they were comfortable -- when you talked to the Secret Service, they told you about when he was first elected in '60 and going down to Miami and having all of those accommodations for the Secret Service.

Everybody that was there in those functions in Europe knew that the president was a combat veteran, PT-109, and they

respected him. Those of us who were on that detail from April till June got a special respect for the president. And when we went through Germany, we went to Ireland. When we went to Berlin before Ireland, the turnout was the greatest I've ever seen in my life. Personal respect for a man who deserved their respect.

Most of my Army friends at that time were registered as an independent, because you didn't want to tick off anybody at the top. But November 22nd of '63 I arrived back in the States, and the first thing I heard was that the president was shot. I thought it was an Orson Welles comedy, and then I found out it wasn't.

I that night went to the Pentagon, my assignment station, and the mood was so somber, you could have seen people from one side of -- you never knew what side of the aisle they were on. But the feeling that they had for the president -- people were talking to people all over the world, what were we doing, what we should be doing, and everybody had one thing to say. Those who met him,

those who had the privilege of greeting him were astonished at how he personally made you feel like you were the most important person there was.

In five days, from the date of his assassination till his burial, I had never seen a nation in such awe of such an individual. I never saw young individuals -- you could take the cameras that were being shown and see the lines; the lines were two and three and four hours to get in to view his casket.

He taught a lot of us a lot of things. A lot of people in this room probably weren't even born when he was assassinated. But I think a lot of them should remember one thing: He was a great American, he loved his country. And I am honored I had the privilege of being the project officer for his visit to the United States Army Europe.

Thank you.

ACTING PRESIDENT WINNER: All those in favor of Resolution 7363, by Senator Larkin, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

This resolution, as the prior resolution, are available for sponsorship by all members. Those that do not wish to be on either of those resolutions please contact the desk.

The Secretary will read.

THE SECRETARY: By Senator Maltese, Legislative Resolution Number 7463, horning Ronald James Sorenson upon the occasion of his special recognition for honorable service and dedication to ensuring the memory of victims of terrorism.

ACTING PRESIDENT WINNER: Senator Maltese.

SENATOR MALTESE: Mr. President, I rise in support of this resolution, recognizing and honoring Ronald James Sorenson.

Ron James is well-known among all the veterans and the legislators here in the

Capitol, constantly lobbying on behalf of the veterans.

He has, in addition, been extremely active with the Citizens Flag Alliance and as a matter of fact is the designer and chief proponent of a flag "Missing in Attack on Our Nation," which has been the subject of legislation in this house, legislation Senate 7139A, which passed this body, indicating that the flag can be flown on September 11th at the State Capitol and all official buildings of the state.

Ron James is a veteran of the United States Marine Corps. He has been putting aside a great deal of his life, not sparing of his own time and effort and diligence and dedication, as a proponent not only of this flag but as a proponent of remembering the victims of September 11th.

This resolution today is indeed fitting that it honors Ron James, who is present here with this body, and I support this resolution, Mr. President.

ACTING PRESIDENT WINNER: All those in favor of Resolution 7463 signify by

saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

Excuse me, the roll call is withdrawn.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I just want to stand up very briefly and congratulate Ron, who's really worked so hard on his time, and for no compensation, for all the causes for veterans. He's constantly around Albany advocating for veterans, and that's -- we need more people like Ron James.

So I'm very proud to support this resolution and give my congratulations to Ron and ask him to please keep up the great work.

Thank you.

ACTING PRESIDENT WINNER: All those in favor of Resolution 7463 signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The resolution is adopted.

This resolution is also open for cosponsorship, and those that do not wish to be on this resolution please contact the desk.

(Applause.)

ACTING PRESIDENT WINNER: Senator Libous.

SENATOR LIBOUS: Mr. President, there will be an immediate meeting of the Rules Committee in Room 332, please.

ACTING PRESIDENT WINNER: Immediate meeting of the Rules Committee in Room 332. The Senate stands at ease pending the return of the Rules Committee report.

(Whereupon, the Senate stood at ease at 3:44 p.m.)

(Whereupon, the Senate reconvened at 3:58 p.m.)

SENATOR LIBOUS: Mr. President, can we return to reports of standing committees for the report of the Rules Committee, please.

ACTING PRESIDENT WINNER: Reports of standing committees.

The Secretary will read the Rules Committee report.

THE SECRETARY: Senator Skelos, from the Committee on Rules, reports the following bills:

Senate Print 4996B, by Senator Volker, an act to amend the General Obligations Law;

6084A, by Senator Stewart-Cousins, an act to amend the Town Law;

6096A, by Senator C. Johnson, an act to amend the Town Law;

6647, by Senator Valesky, an act in relation to permitting;

7086, by Senator Aubertine, an act to amend the Public Authorities Law;

7430, by Senator Farley, an act to amend the Banking Law;

7452, by Senator Valesky, an act to amend the Village Law;

7631A, by Senator Aubertine, an act in relation to making certain findings and determinations;

8128A, by Senator O. Johnson, an act to amend the Executive Law and the

Criminal Procedure Law;

8506, by Senator Griffo, an act to amend the Public Service Law;

8743, by Senator Farley, an act to amend Chapter 148 of the Laws of 2001;

8783, by Senator Fuschillo, an act to adjust certain state aid payments;

8786, by Senator Bonacic, an act to amend Chapter 271 of the Laws of 2006;

And Senate Print 8798, by Senator Skelos, an act to amend the Tax Law.

All bills are ordered direct to third reading.

ACTING PRESIDENT WINNER: Senator Libous.

SENATOR LIBOUS: Move to accept the Rules report, please.

ACTING PRESIDENT WINNER: All in favor of accepting the Rules report signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The

report is accepted.

Senator Libous.

SENATOR LIBOUS: May we have the noncontroversial reading of the calendar, please.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: Calendar Number 2267, by Senator Skelos, Senate Print 8798, an act to amend the Tax Law.

ACTING PRESIDENT WINNER: This calendar number is being taken out of order.

Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you. I appreciate the courtesy, Mr. President. Because this bill was taken out of order, I think some of my colleagues may be unaware that it's coming to the floor at this time.

ACTING PRESIDENT WINNER: Senator Schneiderman, do you wish me to withdraw the roll call? Or are you explaining your vote?

SENATOR SCHNEIDERMAN: I'm explaining my vote.

ACTING PRESIDENT WINNER: Thank you, Senator.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

ACTING PRESIDENT WINNER: You're welcome.

SENATOR SCHNEIDERMAN: Good to see you up there.

The reason that I have concerns about this bill is that we're here in a situation where our state is facing a fiscal crisis, we're here in a situation where our national economy is suffering greatly because of a philosophy of government that essentially has been embodied in the Bush administration but has had its adherents going back to Andrew Mellon and others in the 1920s, which basically says get rid of regulations, concentrate all of the wealth and power in the hands of a few, and we will flourish.

I think that that has been demonstrated to be false, Mr. President. I think our current financial crisis is a result of that sort of philosophy. And I find it difficult to support measures in this bill -- while there may be some things in it that may be commendable -- that essentially embodies that philosophy.

I don't think we need a new commission to just look at reducing regulations without having a balance of a commission to see if there are some transactions that need to be regulated. I mean, we just went through that with the banking and financial services industry. And the push to end regulations is not an unalloyed positive, and I don't think anyone in the public or in academia is any longer fooled by that.

I also have a concern with us providing for essentially very narrow tax loopholes that further complicate our tax code, reduce provisions to ensure that some companies who can jump through loopholes don't have a pay a minimum tax. This is the kind of

complex manipulation of the tax system that has put us in the situation we're in today.

I think what we need is broad-based, equitable, progressive tax policy that treats like transactions alike, that means that the rich pay their fair share and that every business, no matter how small, gets a fair shot. That's not what's embodied in the provisions here.

I think we need to have smart, good regulations on business to make sure that everyone is protected from the violence in the market. That's part of our job as the government. That's not what's embodied in this bill.

And finally, the provisions about the UDC I think are really essentially an end-run around good public policy in terms of who should serve there and how long they should serve.

So, Mr. President, with all due respect to this as the last gesture in one-house session, I am going to vote no. Happy holidays.

ACTING PRESIDENT WINNER: Senator

Montgomery.

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

I'm going to join my colleague Senator Schneiderman in voting no on this legislation. The Governor is coming out with a budget, his version of the state's budget for the upcoming year, and I think all of us are going to be involved in that debate. We will be discussing it over the next few months, and hopefully before the end of the budget fiscal year we will all be able to come to some conclusion on what will be in that budget.

So I think this is an unnecessary move, even though perhaps the Senator is looking for a way to address the budget issues that we're confronted with. The fact of the matter is this is not doing that. We're not accomplishing that. And so Senator Skelos is way off-base with this proposal.

And whatever we do, I hope that it is going to be in the context of looking for ways of improving the economic state of our state and looking for revenue, looking for

ways of having the budget be balanced without so much pain to citizens and our families and our middle-income citizens across the state.

So let's do that together. And let's do it with every deliberation that is possible. And let's come up with a meaningful budget in a timely fashion.

So I'm going to oppose this. I think the process is wrong. And certainly there are aspects of this proposal that are very, very harmful to our state's government and our budget. So I'm going to vote no.

Thank you.

ACTING PRESIDENT WINNER: Senator Montgomery will be recorded in the negative.

Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Mr. President. I too rise to briefly explain why I'll be voting no on the bill.

It's an interesting bill. It's a little bit of everything. I might argue this isn't really the way to do legislation, where you combine housing policy and health insurance and some tax-revenue reductions and

some UDC change. But that's how it was given to us.

And so I feel I must vote no, and just to highlight a few things that my colleagues didn't already.

I have spoken frequently on the floor about these "freedom" health policies. One again is included in this complex bill. Freedom health policies have been proved to be freedom to go without healthcare, freedom to not be able to afford healthcare, and freedom to go bankrupt from health expenses if you get sick. So freedom health plans are great for the healthy, not so good for anyone else.

So again I urge my colleagues, as I always do when we try to slide these bills in, don't fall for that proposal.

It also has a housing section. And on its first read, it just gives the localities some powers in their own right to do bonds and notes and tax incremental financing programs. Again, housing and TIFs are -- the devil's in the details.

In this bill, it appears we'd be circling around to allow IDA-type entities to

do their own financing. We have our own concerns about needing IDA reform in this state; I don't think we want to slide around that.

It's not specifically for affordable housing, but in fact market-rate housing could also be subsidized. It's also very unclear what the liability for the municipal bonds would be. And of course we all know loans for housing is a little risky in today's market, and we should really understand what we're doing before we actually walk down that road.

There's also some real concern in here in the second section on housing around the differences in new construction and rehabilitation. And under the rehab section of the housing bill, it looks like it's an attempt to get around multiple-family-dwelling laws, particularly in New York City, and rent-regulation protections.

So again, lots of questions. Not enough answers. Not what we need to do right now in facing a $15 billion deficit, waiting for the Governor's budget bill tomorrow. I'll

vote no and urge my colleagues to vote no.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator Krueger will be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 2267 are Senators Breslin, Diaz, Dilan, Duane, Gonzalez, Hassell-Thompson, L. Krueger, C. Kruger, Montgomery, Perkins, Savino, Schneiderman, Stavisky and Thompson.

Ayes, 44. Nays, 14.

ACTING PRESIDENT WINNER: The bill is passed.

The Secretary will read.

THE SECRETARY: In relation to Calendar Number 2253, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 6421B and substitute it for the identical Senate Bill Number 4996B, Third Reading Calendar 2253.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

2253, by Member of the Assembly Weinstein, Assembly Print Number 6421B, an act to amend the General Obligations Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 21. This act shall take effect on the first of March next succeeding.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2254, Senator Stewart-Cousins moves to discharge, from the Committee on Rules, Assembly Bill Number 8317A and substitute it for the identical Senate Bill Number 6084A, Third Reading Calendar 2254.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2254, by Member of the Assembly Brodsky,

Assembly Print Number 8317A, an act to amend the Town Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2255, Senator C. Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 8938A and substitute it for the identical Senate Bill Number 6096A, Third Reading Calendar 2255.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2255, by Member of the Assembly Schimel, Assembly Print Number 8938A, an act in relation to permitting.

ACTING PRESIDENT WINNER: 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 WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

May we have some order, please.

THE SECRETARY: In relation to Calendar Number 2256, Senator Valesky moves to discharge, from the Committee on Rules, Assembly Bill Number 9560 and substitute it for the identical Senate Bill Number 6647, Third Reading Calendar 2256.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2256, by Member of the Assembly Magee, Assembly Print Number 9560, an act in relation to permitting.

ACTING PRESIDENT WINNER: 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 WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2257, Senator Aubertine moves to discharge, from the Committee on Rules, Assembly Bill Number 9436 and substitute it for the identical Senate Bill Number 7086, Third Reading Calendar 2257.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2257, by Member of the Assembly Barclay, Assembly Print Number 9436, an act to amend the Public Authorities Law.

ACTING PRESIDENT WINNER: Read

the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2258, Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill Number 11030 and substitute it for the identical Senate Bill Number 7430, Third Reading Calendar 2258.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2258, by Member of the Assembly Peralta, Assembly Print Number 11030, an act to amend the Banking Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2259, Senator Valesky moves to discharge, from the Committee on Rules, Assembly Bill Number 10417, and substitute it for the identical Senate Bill Number 7452, Calendar Number 2259.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2259, by Member of the Assembly Magee, Assembly Print Number 10417, an act to amend the Village Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2260, Senator Aubertine moves to discharge, from the Committee on Rules, Assembly Bill Number 8216B and substitute it for the identical Senate Bill Number 7631A, Third Reading Calendar 2260.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2260, by Member of the Assembly Townsend, Assembly Print Number 8216B, an act in relation to making certain findings and determinations.

ACTING PRESIDENT WINNER: 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 WINNER: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2261, Senator O. Johnson moves to discharge, from the Committee on Rules, Assembly Bill Number 11721 and substitute it for the identical Senate Bill Number 8128A, Third Reading Calendar 2261.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2261, by the Assembly Committee on Rules, Assembly Print Number 11721, an act to amend the Executive Law and the Criminal Procedure Law.

ACTING PRESIDENT WINNER: Senator Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you so much, Mr. President.

So this bill is actually being supported by the Division of Probation and

Correctional Alternatives but is opposed by the Office of Court Administration, so it leaves me in a dilemma that the courts are saying this is putting too strict a set of requirements on us -- even though I understand why the Department of Probation and Corrections would want more restrictions on delinquency of a probationer.

I'm concerned that we don't have enough information about what the financial costs would be if we are in fact increasing the number of prisoners that might be going back into prison. I'm concerned that we have two state agencies in opposition.

And so it's a one-house bill, so I know we have some time to deal with this, perhaps next session. But I'm going to vote no because I think when you've got two key agencies in disagreement about where you're going on a one-house bill -- you're saying it's a two-house bill, Mr. President. My memo says it's a one-house bill.

Even more reason for me -- thank you so much for clarifying, Mr. President -- more reason for me to decide to vote no for

now, because I'm concerned that we are sending and getting mixed messages from our agencies.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Read the last section.

Excuse me, Senator Schneiderman, may I have the last section read? I neglected to do that before Senator Krueger. And then I'll be glad to recognize you to explain your vote.

SENATOR SCHNEIDERMAN: Certainly. Thank you, Mr. President.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator Schneiderman, to explain his vote.

SENATOR SCHNEIDERMAN: Thank you.

I also rise to call my colleagues' attention to the fact that this is a bill

that -- I must say I'm not clear as to whether or not it is a one-house bill, because I'm not aware of an Assembly sponsor. This is something that --

ACTING PRESIDENT WINNER: Senator Schneiderman, for your information, we substituted it, and so the Assembly bill is before the house.

SENATOR SCHNEIDERMAN: Oh, okay, thank you, Mr. President. I appreciate your clarification.

Then I agree with Senator Krueger, I think that makes it all the more necessary for us to go cautiously here.

This is something that restricts the rights of probationers. And quite honestly, I understand very well why the Office of Court Administration is opposed to this. I think that we should really be very reluctant in the current atmosphere and the current environment, particularly economically, to impose any more requirements that could increase the costs of our probation system.

And I think OCA's objections are

right on point. We have 9800 people in prison in New York State who are there only for technical violations of parole or probation. This is something that I promise you we will address in next year's legislative session, but this is something that we shouldn't be compounding now.

I would urge all my colleagues to vote no on this bill. I think we should try and work with OCA to develop a better procedure that saves the state money and improves public safety. I vote no, Mr. President.

ACTING PRESIDENT WINNER: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 2261 are Senators Adams, Dilan, Gonzalez, Hassell-Thompson, L. Krueger, Montgomery, Parker, Perkins, Schneiderman. Also Senator Diaz. Also Senator Sampson.

Ayes, 47. Nays, 11.

ACTING PRESIDENT WINNER: Assemblyman Aubry's bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 2262, by Senator Griffo, Senate Print 8506, an act to amend the Public Service Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2263, by Senator Farley, Senate Print 8743, an act to amend Chapter 148 of the Laws of 2001, relating to authorizing.

ACTING PRESIDENT WINNER: 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 WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: Calendar Number 2264, by Senator Fuschillo, Senate Print 8783, an act to adjust certain state aid payments.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

THE SECRETARY: In relation to Calendar Number 2265, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 11168 and substitute it for the identical Senate Bill Number 8786, Third Reading Calendar 2265.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 2265, by Member of the Assembly Cahill, Assembly Print Number 11168, an act to amend Chapter 271 of the Laws of 2006 amending the Environmental Conservation Law.

ACTING PRESIDENT WINNER: Read the last section.

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

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT WINNER: The bill is passed.

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

SENATOR LIBOUS: Mr. President, at this time I'd like to call a Finance Committee meeting in Room 332, please.

ACTING PRESIDENT WINNER: There will be an immediate meeting of the Finance Committee in Room 332.

The Senate stands at ease pending the return of the Finance Committee report.

(Whereupon, the Senate stood at ease at 4:22 p.m.)

(Whereupon, the Senate reconvened at 5:50 p.m.)

ACTING PRESIDENT WINNER: The house will come to order.

Senator Libous.

SENATOR LIBOUS: Mr. President, if we could return to reports of standing committees.

And I believe the Finance Committee has met, and could you have the Secretary read the report, please.

ACTING PRESIDENT WINNER: Reports of standing committees.

The Secretary will read the Finance Committee report.

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

As president and CEO of the Urban Development Corporation and commissioner of the Department of Economic Development, Marisa Lago, of New York City.

ACTING PRESIDENT WINNER: Senator

Libous.

SENATOR LIBOUS: Move the nomination.

ACTING PRESIDENT WINNER: Senator Johnson.

SENATOR O. JOHNSON: Move the nomination.

ACTING PRESIDENT WINNER: Thank you, Senator Johnson.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I rise to strongly support the nomination of Marisa Lago to joint appointments. The principal duty that she is assuming is I think the most important job that exists now in New York State, which is coordinating our economic development strategies to revive our economy, to pull us out of this unbelievable slump that we're in.

Things have been bad in quite a few parts of the state, including Central and Western New York, for many, many years. I think it's fair to say, by any objective analysis, our economic development policy has

largely been a failure. There have been some programs that have worked well, but a lot of it just hasn't worked at all.

Marisa is someone I have known for -- and I cringe when I say this -- almost 30 years. We attended law school together. And I will tell you, I've followed her career since then. There is no one better prepared to undertake this project, to undertake this trust that we're really placing in her than Marisa Lago.

She has experience in every aspect of the public sector -- New York City economic development corporation, was the leading economic development officer in the City of Boston, worked in the Securities and Exchange Commission, understands the federal government, has worked in the private sector at law firms and banking, understands everything you need to understand to try and turn our state around.

And I will tell you this. I have tepid support for some nominees and strong support for some nominees, but I very rarely have the depth of feeling and the sort of

overwhelming support that I feel for Marisa Lago. She is a great nominee, will make a great commissioner.

And I promise all of you, whatever your concerns, wherever you come from or whatever your ideological beliefs are, she will give you a fair hearing, she will make the decisions and call them as she sees them.

This is a great addition to our team, and I look forward to working with her for many years to come. Thank you, Senator Johnson, for moving this fine nominee.

ACTING PRESIDENT WINNER: The question is on the nomination of Marisa Lago as president and CEO of the Urban Development Corporation and commissioner of the Department of Economic Development. All those in favor of the nomination signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The nominee is confirmed.

Marisa Lago is joined by her

husband, Ronald Finiw.

And we welcome her to the chamber and congratulate her on her appointment and look for great things to be coming from that office.

Thank you very much, and congratulations.

(Applause.)

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: As a member of the Public Service Commission, James L. Larocca, of Sag Harbor.

ACTING PRESIDENT WINNER: Senator Johnson.

SENATOR O. JOHNSON: Move the nomination.

ACTING PRESIDENT WINNER: Senator Maziarz.

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

Earlier this morning the Senate Committee on Energy and Telecommunication met, we examined the qualifications of Mr. Larocca and found him to be eminently qualified for

this position.

As we all know, clearly, in our economic crisis that we're in, you know, energy is perhaps the answer for providing and creating many jobs in New York State. And Mr. Larocca clearly has a great background in that area.

So we certainly offer our congratulations to him and wish him well and look forward to working with him.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President. I rise to second the nomination.

The Governor should be congratulated on this nomination because Jim Larocca has enormous experience, not only in the energy area but in government. And I think one of the jobs with PSC commissioners is being able to make the proper inquiries with staff, ask the right questions, so that the ratepayers are getting the proper decision.

So, Jim, congratulations on your appointment.

ACTING PRESIDENT WINNER: Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

I've had the privilege of knowing Jim since the Carey days. I guess the most important thing I remember about him, and I mentioned this just in the Finance Committee meeting, was when you had an issue or you had a problem and you went to him, you didn't get a call back from a staff member, you got a call back from the commissioner.

Because he always felt and told me and others that "If it was important enough for you to call me, it was important enough for me to call you." And my first phone call, I said, "Yeah, I bet it's the commissioner." And he said, "You lost the bet, Lark."

Jim, congratulations. And thank you very much for in your dedicated service over the years. And also thank you for your combat service in Vietnam. You are a distinguished American.

ACTING PRESIDENT WINNER: The question is on the nomination of James L. Larocca as a member of the Public Service Commission. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: James L. Larocca is hereby confirmed as a member of the Public Service Commission.

Congratulations.

(Applause.)

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: As commissioner of the State Civil Service Commission, Joseph Dennis Hanrahan, of Latham.

ACTING PRESIDENT WINNER: Senator Johnson.

SENATOR OWEN JOHNSON: Move the nomination.

ACTING PRESIDENT WINNER: The question is on the nomination of Joseph Dennis

Hanrahan, of Latham, as a commissioner of the State Civil Service Commission. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: Joseph Dennis Hanrahan is hereby confirmed as a commissioner of the State Civil Service Commission.

Our congratulations and best wishes to you.

(Applause.)

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: As a member of the State Commission of Correction, Phyllis Harrison-Ross, M.D., of New York City.

ACTING PRESIDENT WINNER: Senator Johnson.

SENATOR O. JOHNSON: Move the nomination.

ACTING PRESIDENT WINNER: Senator Adams.

SENATOR ADAMS: Thank you. Thank you. Thank you, Mr. President.

I just want to rise in support of the nomination for Dr. Ross. I believe that she's going to bring a level of expertise and an innovative outlook on how we should deal with mental illness as another aspect of our correctional facility.

Her resume -- I'm sure all of my colleagues have read it -- is extremely impressive, and I think she's a great asset to our team here in the state. I'm looking forward to working closely with her. Thank you for the opportunity on her behalf.

ACTING PRESIDENT WINNER: Senator Perkins.

SENATOR PERKINS: Yes, I'd also like to join my colleague in representing my support for Dr. Ross, who I've had the privilege of knowing and working with over the years and have great, great, high expectations of the wonderful things that she'll be able to do in this new position.

And I'm glad that it has finally concluded in the way that it has, and I want

to commend the Governor for his recommendation.

ACTING PRESIDENT WINNER: Senator Hassell-Thompson.

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

I too rise to add my voice to the nomination of Dr. Harrison-Ross. In our opportunity this morning when she came before the committee, we talked extensively about some of the reforms and the kinds of things that she would like to see happen.

And certainly, as one who has expressed in this chamber and other places the concerns for the health issues that regard inmates and how those translate to our broader community when they return home I think make a significant difference to us, particularly as we talk about HIV and AIDS and some of the other concerns that she has, in her 33 years as a member, has addressed and now, as the chair, will have an opportunity to really put some things in motion.

So I congratulate the Governor on his choice and certainly to her for the energy

and spirit that she brings to this post.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: The question is on the nomination of Phyllis Harrison-Ross as a member of the New York State Commission of Correction. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: Phyllis Harrison-Ross is hereby confirmed as a member of the New York State Commission of Corrections.

She is joined here today by her godson, Dr. Michael Pratts.

Congratulations.

(Applause.)

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: As a member of the SUNY Board of Trustees, Pedro A. Noguera, of New York City.

As a member and chairman of the

New York State Foundation for Science, Technology and Innovation, Robert B. Catell, of Garden City.

As director of the State of New York Mortgage Agency, William Myers, of Ithaca.

As a member of the Battery Park City Authority, Frank J. Branchini, of New York City.

As members of the Dormitory Authority, Jacques Jiha, of Woodbury, and Anthony B. Martino, of Buffalo.

As members of the New York State Energy Research and Development Authority, Kevin Burke, of New York City, and Roger B. Kelley, of East Amherst.

As a member of the New York State Olympic Regional Development Authority, Robert Francis Flacke, of Lake George.

As a nonvoting member of the Capital District Transportation Authority, Michael Stammel, of Rensselaer.

As members of the Niagara Frontier Transportation Authority, Peter G. Demakos, of Buffalo, and Michael P. Hughes, of West

Seneca.

As commissioner of the Port Authority of New York and New Jersey, Stanley E. Grayson, of New York.

As a member of the Rochester-Genesee Regional Transportation Authority, Henry Smith, Jr., of Albion.

As a member of the Advisory Board on Public Work, William F. Shannon, Jr., of Oswego.

As a member of the Administrative Review Board for Professional Medical Conduct, Richard D. Milone, M.D., of Rye.

As a member of the Public Employment Relations Board, Sheila Cole, of Delmar.

As a banking member of the State Banking Board, Thomas S. Buerkle, of Larchmont.

As a member and chairman of the Freshwater Wetlands Appeals Board, Lemuel Srolovic, of Brooklyn.

As a member of the State Board of Real Property Services, Cathy Bell, of Mount Vernon.

As a member of the Long Island State Park, Recreation and Historic Preservation Commission, Bryan Erwin, of Mattituck.

As a member of the Stewart Airport Commission, F. Edward Devitt, of Montgomery.

As a member of the Veterans Affairs Commission, John Batiste, of Rochester.

As members of the New York Convention Center Operating Corporation, Stephen L. Drummond, of Queens Village, and Gary Lavine, of Fayetteville.

As director of the Urban Development Corporation, Stanford Lipsey, of Buffalo.

As a member of the Continuing Care Retirement Community Council, Clari Gilbert, of Brooklyn.

As members of the Mental Health Services Council, Kunsook Song Bernstein, Ph.D., of Baldwin; Luis R. Marcos, M.D., of New York City, and Katherine L. Moshier, of Albany.

As a member of the State Council on the Arts, Daniel D. Simmons, of Brooklyn.

As members of the State Hospital Review and Planning Council, Christopher C. Booth, of Pittsford; Renee Garrick, M.D., of Bedford; Jeffrey A. Kraut, of East Meadow; and Malcolm D. Reid, of Briarcliff Manor.

As a member of the Board of Visitors at the New York State Home for Veterans and Their Dependents at Batavia, Mary Ann O'Coin, of Rochester.

As a member of the Board of Visitors of the Creedmoor Psychiatric Center, Judy Grubin, of Jackson Heights.

As a member of the Board of Visitors of the Agricultural and Industrial School at Industry, Paul C. Brule, of Webster.

As a member of the Board of Visitors of the New York Developmental Disabilities Services Office, Mildred Holley-Davis, of the Bronx.

As members of the Board of Visitors of the Rochester Psychiatric Center, Marcia J. Boyd, of Rochester; George Follett, of Albion; and John C. Owens, of Henrietta.

As a member of the Board of Visitors of the Rockland Psychiatric Center,

James Scaringe, of Orangeburg.

And as a member of the Board of Visitors of the Western Developmental Disabilities Services Office, Ann L. Scherff, of LeRoy.

ACTING PRESIDENT WINNER: Senator Johnson.

SENATOR OWEN JOHNSON: Move the nominations.

ACTING PRESIDENT WINNER: Senator Stavisky.

SENATOR STAVISKY: Mr. President, I think the record should reflect the fact that Dr. Pedro Noguera was here, he came before the Committee on Higher Education and the Finance Committee, and he brings, as a trustee of the State University of New York, a wealth of background, a very impressive resume, and great potential to serve on this important body.

Thank you.

ACTING PRESIDENT WINNER: Thank you, Senator Stavisky.

The question is on the nominations as presented. All those in favor signify by

saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The nominations and the nominees are confirmed.

Senator Libous.

SENATOR LIBOUS: Mr. President, could I call an immediate meeting of the Rules Committee in Room 332, please.

ACTING PRESIDENT WINNER: There will be an immediate meeting of the Rules Committee in Room 332.

The Senate stands at ease pending the return of the Rules Committee.

(Whereupon, the Senate stood at ease at 6:07 p.m.)

(Whereupon, the Senate reconvened at 6:28 p.m.)

ACTING PRESIDENT WINNER: The house will come to order.

Senator Libous.

SENATOR LIBOUS: Can we return to reports of standing committees, please.

There's a report of the Rules Committee at the desk.

ACTING PRESIDENT WINNER: Reports of standing committees.

The Secretary will read the Rules Committee report.

THE SECRETARY: Senator Skelos, from the Committee on Rules, reports the following bill direct to third reading:

Restored, Senate Print 7497B, by Senator LaValle, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Senator Libous.

SENATOR LIBOUS: Move to accept the report of the Rules Committee, please.

ACTING PRESIDENT WINNER: All in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The report is accepted.

Senator Libous.

SENATOR LIBOUS: Can we please take the bill up, noncontroversial.

ACTING PRESIDENT WINNER: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1529, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 11696A and substitute it for the identical Senate Bill Number 7497B, Third Reading Calendar 1529.

ACTING PRESIDENT WINNER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1529, by the Assembly Committee on Rules, Assembly Print Number 11696A, an act to amend the Education Law.

ACTING PRESIDENT WINNER: Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the 180th day.

ACTING PRESIDENT WINNER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT WINNER: Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President. To explain my vote.

This accountancy bill that we have before us, the present law was enacted in 1947, and we have basically had the same law.

What brought this about was the Enron situation. And our committee, myself and Senator Stavisky, held a series of hearings in New York City and throughout the state to talk about how we would deal with some of the problems that confronted the accountancy profession.

The profession was under a cloud that they were cooking the books, that in their auditing function that they kind of glossed over and were really representing the person that hired them but the bigger prize was other kinds of contract work that that accountant or firm would be doing.

Here, under this legislation, we clearly have a review of the auditing functions so that those functions would be done in a straightforward way and that the

accountant has, to his or her license, the greatest focus and commitment.

The New York State Society of CPAs and many of the people here asked, you know, "How do your accountants feel?" Well, they have been working with our committee, and we have passed a version of this I think three different times.

So this is a bill that will protect the public, that will protect the profession and will ensure that, as accountancy grows and creates other niches, that there will be a review and that people will be putting forth the most professional job that they can because their license is one that will be under scrutiny.

I vote in the affirmative, Mr. President.

ACTING PRESIDENT WINNER: Senator Stavisky, to explain her vote.

SENATOR STAVISKY: Thank you, Mr. President.

As Senator LaValle indicated, hearings were held on this legislation. And sometimes legislation can pass very quickly,

other times it takes a little longer. But I must commend Senator LaValle for all of the work that he and his staff did on this bill, meeting with the various stakeholders.

Scope-of-practice bills are some of the most contentious because when you take power from one group and give it to another, it's like pressing a balloon, and it sort of bulges in another spot.

The practice of accountancy is an important one, but the beneficiaries are going to be the consumers, the people who read the reports, the people who use both professional accountants and CPAs.

The state society has been in touch with me; I know they worked very closely with Senator LaValle. And this is an important consumer-protection bill. It protects the consumer by providing transparency.

And I'm delighted to support this measure, and hopefully the Governor will sign it and in six months it will become law.

Thank you, Mr. President.

ACTING PRESIDENT WINNER: Announce the results.

THE SECRETARY: Ayes, 59. Nays, 0.

ACTING PRESIDENT WINNER: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Mr. President, there will be an immediate meeting of the Finance Committee in Room 332, please.

ACTING PRESIDENT WINNER: Immediate meeting of Finance in Room 332.

The Senate stands at ease until the return of the Senate Finance Committee.

(Whereupon, the Senate stood at ease at 6:35 p.m.)

(Whereupon, the Senate reconvened at 6:42 p.m.)

ACTING PRESIDENT WINNER: Senator Libous.

SENATOR LIBOUS: Mr. President, can we go back to reports of standing committees.

I believe there's a report from Finance Committee at the desk. Could it be read, please.

ACTING PRESIDENT WINNER: Reports

of standing committees.

The Secretary will read the Finance Committee report.

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

As members of the Capital District Transportation Authority, Denise A. Figueroa, of Cohoes, and Joseph M. Spairana, Jr., of Wynantskill.

As a member of the State Board of Historic Preservation, Joanne B. Arany, of Rochester.

As a member of the Stewart Airport Commission, Thomas Schaaff, of Middletown.

As director of the New York Convention Center Operating Corporation, E. Scott Gilbert, of New York City.

As a member of the Board of Visitors of the Central New York Developmental Disabilities Services Office, Mary E. Patricia, of Oneida.

And as a member of the Board of Visitors of the Staten Island Developmental Disabilities Services Office, Joanne Certo, of

Staten Island.

Senator Libous.

SENATOR LIBOUS: Would you move the nominations.

ACTING PRESIDENT WINNER: All those in favor of the nominations in the report of the Finance Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT WINNER: Opposed, nay.

(No response.)

ACTING PRESIDENT WINNER: The nominations and the nominees are confirmed.

Senator Smith.

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

I rise to speak about a couple of my colleagues, one of which I want to offer some brief remarks. And obviously, my members and colleagues, I have the right to do so as well.

This year we are going to miss one of this body's most esteemed colleagues, one who has distinguished himself as a lawyer

second to none, who clearly has a reputation in front of many judges to be one of the brightest legal minds when it comes to election law.

He served as the Senate Minority Leader in this house, distinguished himself in that capacity as well. He has been here now for 30 years, serving the 25th District in the City of New York, a person who has been extremely, extremely forceful when it comes to certain legislation. He created the Senate's Puerto Rican and Hispanic Task Force when he was the Minority Leader.

He also served as Minority Leader for eight years, and during the time he was in that capacity, I had pleasure of being introduced to this body by him. He broke me into the Senate, he taught me much of what I have learned today about the rules of the Senate as well as what it means to be a member and how one conducts himself in such an august body as this.

Senator Marty Connor was always a person and will always be a person that I consider to be a friend.

There are some elected officials that are described by their colleagues and by their friends by how smart they are or what pieces of the legislation they accomplished or what programs they established. And while all of those things are tremendous in terms of what Senator Connor has accomplished, one thing that I think stands out for many of us is his heart.

You never had to question or second-guess Senator Connor as to what his motivations were. When he brought forth a piece of legislation or an idea, you knew it was something that he meant from his heart, it was for the greater good, and it was also one that many of us could be proud to be a part of and partner with him in doing so.

This is a day that we will remember as a loss. And while I do accept the new member that will be in this chamber, for me personally, and for many of us, having Marty Connor leave this chamber is one that brings some sadness to us as well.

But I say to Marty Connor, that chair will always be yours. And that in this

house, if any of these stones which have been here for years represent longevity, a portion of these stones belong to you, Marty Connor. And it will always represent it to me and represent to, I'm sure, many members that are here what you have meant to this institution, what you will continue to mean to this institution.

As long as this institution is authorized with the authority to do the people's business, we will forever remember all that you have done on behalf of the people of this state. Nineteen million will never forget the contributions you made to this state.

And it is my hope that come the first of January, or the first session in January, that we will have a fitting statement as well as a dedication to all that you have done for this august body.

Thank you very much, Mr. President.

(Standing ovation.)

ACTING PRESIDENT WINNER: Let the record reflect the standing ovation in support of Senator Smith's remarks.

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President. If I can have the privilege of the floor for a few minutes -- and I'll try and speak not so long that people are throwing shoes at me.

(Laughter.)

SENATOR CONNOR: But, you know, I do want to say this is the 231st session of this body, and I have been privileged to serve for the last 31 of those sessions. It is 7.5 percent of the existence of this body since our New York republic was founded.

I first -- I can remember the day I took my seat, sat right where Diane Savino sits now, just being so awed, thinking how did I get here. This was my childhood dream. My father worked in a factory, I worked in factories next to get through college and law school. My wonderful alma mater, Catholic University, gave me full-tuition scholarships for the whole seven years. And that's sort of how I got here.

But I didn't do it alone. First of all, our wonderful system -- you know,

politics is a meritocracy. It usually works that way. And there is merit in winners and leaders in elections. Those who compete merit that.

And I remember -- I told this story to a few who were with me primary night -- I was running in a special election. There was a blizzard two weeks before Election Day; it shut down New York City. And a young woman wandered into my campaign headquarters because, you know, she didn't have to go to work that day because things were shut for a couple of days and said, "What's going on here? Anybody need any help? Can I volunteer?" And my campaign manager said, "Yeah, we're doing a mailing tonight."

And this young woman came back that night -- because that's when you did a mailing. No mailhouses. You know, you put the labels on the envelopes and the stamps on. And as we were breaking up at about 1:00 in the morning, my campaign manager said, "Oh, we're doing the subway stop at the St. George tomorrow." And somebody said to her, "Well, you've been working too hard, somebody should

do it with him."

This young lady said, "Well, what's a subway stop?" It was like, you know, me, him at 7:30 in the morning, and you give out literature. And she did. And on primary morning she did that same subway stop with me, because she's been at my side ever since.

And I'm talking about my wife, Christine, without whom I could not have served here for 31 years or really done half of what I've done without her support.

You know, last week of session, we're in session nights, a zillion bills come up. I have two wonderful sons, two years apart. They were each born, in the respective years, next-to-last night of session. Boy, I missed a lot of votes rushing back there.

And I remember then coming back -- and this is going to sound so politically incorrect now -- passing out cigars. It's what you did then when you became a dad. And yes, in those days people lit them up and smoked them here, too. That's what these things are.

(Laughter.)

SENATOR CONNOR: So, you know, my entire family has been involved and supportive. My wonderful sons, Marty and Brian, have supported me all these years.

And they have given up so much because I don't need to tell all of you how much time -- the public really doesn't get it. They wouldn't want to know our real hourly wage if they take into account the evenings, weekends, and everything that you have to do to do this job well and serve your constituents.

You know, in all those years -- I did a rough estimate the other day. I believe I have voted more than 60,000 times. You know, you vote a couple of thousand times a session. I'm sure I've spoken on this floor, Lord knows, a couple of thousand times.

I've served with -- I tried to do a rough calculation. How do you remember everybody who's been in and out? But I think I've served with over 160 wonderful men and women who were elected to serve here at various times in those 31 years. Dedicated, committed, wonderful, wonderful people. Some

giant intellects, some wonderful, compassionate people.

A couple of rogues, a couple of fakers. But, you know, that's no different -- that's no different than life out there. And in fact, I think we reach a higher standard than what you see in the marketplace, so to speak, out there in terms of people's integrity, commitment, and hard work.

And it is hard work. I've had good days here and bad days here. Sad days. I tried to count, at least 15 days that I can recount where we came in this chamber and there were red roses on a desk and we lost a colleague. And those were tough days here. For me, they were.

Political high points and some low points. You know, my colleagues on this side of the aisle gave me the privilege in 1995 to commence being the Minority Leader. I look around here, I only see two members here who helped me get to that magic number. Thank you, Efrain. Thank you, Velmanette. And thanks to the rest of you who supported me subsequently.

You know, there are no enemies here. I've always believed in politics there are no enemies. There are foes, and then everybody is a friend, because we're all motivated by the same thing.

So I have, on high days and low days, just loved every minute of it. It has just absolutely -- you know, as Minority Leader I probably had dinner at the White House five or six times. I got to go places where I just never dreamed, as a kid in Trenton, New Jersey, working a night shift in a factory while I was going to school, that I'd ever get to go.

And I owe that to the people who elected me, the people who supported me all those years, the wonderful staff I've had, certainly my family. My grandmother and grandfather got to see me here in 1978. My grandmother was my inspiration for politics. Quit school at fourth grade, went to work in a factory at 12 -- lied, because you had to be 14. Worked in Woodrow Wilson's campaign for governor of New Jersey.

So, you know, it's just been a

wonderful, wonderful experience. I urge you all, remember, you have your disputes here, you have your battles, so to speak. Sometimes heated words are exchanged. When you leave, you're colleagues, you're friends.

I urge you to go back to something we haven't done that much in more recent years, and that is socialize together across party lines.

One of the first major bills I passed, which someone just reminded me of, involving loans to podiatry students -- for which I got an honorary degree a few years later -- I owe to Senator LaValle and I having a discussion over dinner. And it was in his committee, and it got moving.

So you can accomplish things. My advice to those who may find themselves in the minority -- and I jokingly said to someone, I'm going to start a consulting business because I have more experience than anybody in this room on how to survive in the minority. So I don't know -- but I'm not predicting the future. But maybe, you know, a little advice, a consultant to tell you what it's like to be

in the minority, might be a possible career path for next year.

(Laughter.)

SENATOR CONNOR: And I do feel a little bit -- and nothing is certain, I know. But I feel a little bit like Moses. You know, I wandered in the desert of the minority for 31 years, and then I got to the edge and I look down and I think I see the promised land, but I can't go in.

(Laughter.)

SENATOR CONNOR: But that said, I do want to thank all of you, my colleagues, for all the many courtesies that you've extended me over the years and extended to my family.

I want to thank the many, many staff members without whom I could have done nothing. I can still remember my first three staff members when I first got here. I'm married to one of them; I'd better remember her.

But the fact is that staff of all the members and the staff of the Senate, the central staff -- at every level, from the

people who deliver things to your office to whatever -- have always been so courteous and so professional. And, my colleagues, I've observed enough to know we as a class, elected officials, we ain't easy to work for sometimes. You know, we sometimes make demands on people's time and patience that they may not find in other lines of work.

So that said, I have loved every minute of it. And I won't say farewell, I will say adieu.

(Extended standing ovation.)

ACTING PRESIDENT WINNER: Senator Smith.

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

Before I make comments on my next colleague, I do want to -- and I know Majority Leader Skelos will do the honor, but I do want to, to Senator Maltese, Senator Trunzo, and Senator Mary Lou Rath, want to also extend the best wishes of our conference to these members who have also served in distinction to this body.

And just as Senator Connor said,

this is more about our contribution and what we do on behalf of this state. All of you have served here longer than I have been here. You have contributed much to the betterment of the state. And there are many things that you should feel proud of within your district and around the state, all that you've done on behalf of the 19 million people that are here at present.

Most people talk about this being the former Empire State. Well, I would only challenge them to know that with colleagues such as yourself, who have given up so much of your personal life for public benefit, that because of you this state is still the Empire State and will always be the Empire State, and it was definitely my honor to serve in this body with each and every one of you as well.

Senator Gonzalez. Mis amigo. Mis hermano. Mucho trabajo all the time. A man who, as many of you know, came to the Senate because he lived in a district where many people felt that there was very little representation for the Hispanic population as well as those who basically felt that they

were just cast aside from the norms of what government was supposed to do.

Senator Gonzalez, who has now served in this body 20 years -- 20?

SENATOR GONZALEZ: Nineteen years.

SENATOR SMITH: I say 20. Leader prerogative, 20 years. But he has clearly served in the 33rd District in the Bronx. Someone who -- and while I won't read all his accomplishments, but you know he established the Democratic Task Force on International Trade. He developed that New York-Cuba Economic Development Task Force.

Also, when it wasn't popular, helped sponsor legislation that established the office of healthcare with regard to AIDS. And many of us know how critical that particular disease is to many of our communities today. He had the passion, the foresight, and the vision to understand what was important to the people around this state.

Senator Gonzalez is a humble man. He is not someone who will be loud. You don't see him standing in front of the microphone or

the press having dozens of press conferences. But he has been extremely effective. When you go to his district or you walk through the district with him, everybody knows him. They know him for his passion, for his caringness. They know him for somebody who works 24 hours a day.

There was never a time that I would reach out to Senator Gonzalez, no matter what time of day, where, surprisingly, he would answer the phone. And most people know I don't get sleep, and I try not to. And I can tell you, whether it was 1 o'clock or 2 o'clock or 3 o'clock, he was answering that phone and always ready to give some advice.

The thing that Senator Gonzalez does very well, and some of you may know, is he is a shy teacher. I mean that to say some of us will come when you come to this floor, and you have members who will immediately embrace you and tell you what to do, what not to do, how to do it and when to do it.

Senator Gonzalez doesn't do that. Senator Gonzalez waits, he watches. He will give you a passing remark as you're walking

out of the chamber or coming out of your office. You may not pay much attention to it, but then the next day it will click, because you made the mistake that he tried to tell you not to make.

And so he has been the kind of passionate legislator that is very calm about what he likes to accomplish, but yet and still very firm and committed to his goals and objectives, which was for the betterment of people who have not been served.

Senator Gonzalez, while many of my colleagues will want to not miss you, we will miss you. And I know many will try not to miss you, because it hurts when you miss someone that you're so fond of. And so you try to push it to the side like it's not there. It's like pain sometimes. We will miss you. We will miss you. The body will miss you, I will miss you, your colleagues will miss you.

And understand, as with Senator Connor, this chamber is always considered to be your chamber. There's not a member in this house that will not take the time to listen to

you, to spend time with you. And the chair that you sit in, you have to pay for that yourself.

(Laughter.)

SENATOR SMITH: But we will always be your colleague.

These are not easy moments. And I say that for Senator Connor and Senator Gonzalez as well as Senator Maltese, Senator Trunzo, and Senator Mary Lou Rath. It's not always easy to say goodbye to colleagues. But the thing that allows us to move on to the next day is that what you have contributed to this body and to the betterment of this state will be forever.

The archives will always have your names in it, will always have the legislation that you passed, and the lives that you impacted, whether they are still living in this state or moved beyond, will always remember what you did for each and every one of us.

Mis hermanos always. I love you and will always be a friend of yours.

Thank you very much, Mr. President.

(Standing ovation.)

SENATOR GONZALEZ: Mr. President.

ACTING PRESIDENT WINNER: Senator Gonzalez.

SENATOR GONZALEZ: Thank you.

To my colleagues, thank you. Nineteen years in the Senate, but I think 34 years as either a staffer I've been around this Senate body. I think that Senator LaValle and I were staffers at the same time back then.

And so I've always been someone that, whether both sides of the aisle, very true to staff, because they're the ones that you do the work. You help us be who we are. And I say that because, my colleagues, I mean it's so important how I've worked to make my staff -- not mine only, but central staff on both sides of the aisle.

Through the years, I've gotten to serve under four minority leaders and four majority leaders. But I've always looked to reach out on both sides of the aisle so that we can do things together. And that's what we've got to do more of as you move forward.

We've got to do these things together for the people of the State of New York.

So there are many of our colleagues who are not here and who have gone, but I've always taken their inputs and their thoughts and working so that we work together as passionate as we can be. And boy, I've been passionate about our issue. But it's working together, it's the only way that we can get through the hard times that we're about to face.

So I thank you all from the bottom of my heart. Thank you.

(Applause.)

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

Today this body comes together not as members of the Majority, the Minority, Republicans or Democrats, we come together as fellow colleagues to say goodbye but also to say thank you to five individuals who have served in this chamber.

Efrain, I wish you the best.

And, Marty, needless to say, you've had a great career. The first time I ran for the Senate, you were head of the campaign committee and you beat me. Not that I will ever remember that.

(Laughter.)

SENATOR SKELOS: But always a worthy advocate. And we wish you well.

To our colleagues on this side of the aisle, Mary Lou Rath, Serf Maltese, and Caesar Trunzo, all of you have distinguished yourselves in your career. You know, your record speaks for itself. I'm not going to go through all the wonderful bills that you have passed.

Mary Lou, in terms of your service in local governments, protecting our local governments, smart growth, so many areas that you've been involved with. You have a tremendous legacy, and I know how proud we are of you and certainly your family.

Serf, defender of New York City. Just a gentleman, an absolute gentleman who all of us in this conference respect tremendously. In terms of the arts, bills

that you've passed, we say thank you to you for your wonderful service.

And to Caesar, our neighbor on Long Island -- was it 32 years?

SENATOR TRUNZO: Thirty-six.

SENATOR SKELOS: Thirty-six years of wonderful service.

And you think about all the wonderful progress that members of labor have made in terms of respect for themselves, decent wages, I believe agency shop, the original agency shop bill. All of those, Senator Caesar Trunzo was the sponsor of. And, Caesar, we thank you for your wonderful service.

As Senator Smith mentioned, it's always difficult to say goodbye to a colleague. You know, sometimes we battle in this chamber. Sometimes we come together. But I do believe there's always that mutual respect that we've all had the great privilege of sitting right here in this beautiful Senate chamber.

And I'm here now 24 years, and every so often I'll just sit and you start

looking around at the beautiful decor here. I never noticed that individual who's there, and I'll have to find out who it was.

But that's what we do every day. Besides just staring at the ceiling, we do a lot of good work.

(Laughter.)

SENATOR SKELOS: But it is difficult to say goodbye.

And to our colleagues that are leaving, we wish you all good health, all good health that you've earned, retirement to enjoy life as you wish now, not having to be here on every controversial bill, not having necessarily to go to all those committee meetings or the chicken dinners that we've had so much of over the years. But you've earned, you've earned good health.

And to all of you, I pray that God gives you the good health and the happiness with your families that you've all earned.

So I congratulate you again on behalf of a united body -- not Republicans or Democrats, Majority or Minority -- in saying thank you. To our three colleagues, we thank

you and we love you.

(Standing ovation.)

ACTING PRESIDENT WINNER: Senator Rath.

SENATOR RATH: Someone is going to have to take care of Senator Larkin now that I'm gone. All of you promise.

No, it's been wonderful being back here in the back row with you, Bill, really, and with Carl and with all of you. And this has been like that movie "The Long Goodbye." I think when I made my announcement at the end of January, it just has been goodbye, goodbye.

And as I've been drawing myself together for saying goodbye to my constituents in my last newspaper article that I wrote for the Amherst Bee, I thought to myself what is it that I can say that is important after all that's been said for 15 years in the Senate and 15 years in the county legislature, 30 years in public life.

And I would sit here on nights like this and listen to Manny Gold and Franz Leichter when they said their goodbyes. And who could forget John Marchi or Joe Bruno.

And John Daly, eloquent as the day was long.

So I'm not going to try to be eloquent or repeat what Efrain has said or Marty has said, because those sentiments are there. But what did I say to my constituents? I said to them I think if there's anything that I have learned -- and again, from another eloquent man who I've quoted many times -- I've always liked Thomas Jefferson's thoughts. And he said that, if I can paraphrase it, the price of liberty is eternal vigilance.

And if that's what we do here, if that's what we do here, then it's a small price that we together pay for the liberty that we hold so dear, the liberties and the freedoms. And we do that on behalf of our constituents. We do that with each other, back and forth.

And as Efrain just said, when times are tough, we work together. We just saw a wonderful bill come from Senator LaValle and Senator Stavisky who worked together to get that bill done. That's how our shining moments show up.

And so if eternal vigilance is the

price that we pay, and if our process and our system -- and it's easy when you're talking globally, but when we're talking on state government's level or local government's level, the vigilance of keeping the system going and keeping it straight and keeping it fair for all of our constituents -- then I'm proud to have been a part of that, and proud to have served with all of you who have really enriched my life and all of you who have served so much and so well for the people of the great State of New York.

Thank you.

(Standing ovation.)

ACTING PRESIDENT WINNER: Senator Trunzo.

SENATOR TRUNZO: I didn't expect this, but so be it. You know, 36 years up here has been quite an experience for me, something that I've enjoyed very much. Really, it's been my life, so to speak.

And before that, I was eight years as a councilman for the town of Islip. So for 45 years I've been an elected official.

And I remember at various functions

that during the campaign when I was being introduced, and at one point somebody turned around and said, you know, I actually had 50 years of government work. Because back in 1959, I was appointed as a member of the Islip Town Planning Board, and I served on that five years.

And so I sat with the individual after he finished speaking, saying, you know, "You said I spent my life here." I said, "If I include those five years that I have at the planning board, I'd have to be a hundred years old. I'm only 82."

(Laughter.)

SENATOR TRUNZO: And so really, half my life has been as an elected official.

And these days I've been going around thinking as to what I have to do. This morning I spent time filling out retirement papers and that kind of stuff. And it's very sad in my life and what am I going to do with myself. When I get up in the morning, what, I've got to go down to the basement? I have no office to go to, anything of that sort.

But believe me, it has been an

experience here. I know my opponent during the campaign just made one statement, indicated -- at least his people might have stated that I never spoke too much; in fact, I didn't say a word two years in this Legislature.

Now, all these years, many years -- and I remember one of the Newsday reporters many, many years ago said to me, "I've got to write something about you." I said, "Why is that? "You keep passing bills without any debate."

But I have good bills, and therefore you guys over there don't want to debate me.

(Laughter; applause.)

SENATOR TRUNZO: So that's what it's all about.

You know, and then we hear the "Hail, Caesar," the "Hail, Caesar." Evidently a number of the people said "The hell with Caesar."

(Laughter.)

SENATOR TRUNZO: And so that's it.

And so with that, I'm really going to miss all of this. But God bless all of you for the work that we've done together and many of the things that we have done.

And my colleagues who were elected with me, Senator Johnson, you know, you're going to reach that age pretty soon and --

(Laughter.)

SENATOR TRUNZO: In fact, you look older than I do, so --

(Laughter, catcalls.)

SENATOR TRUNZO: Anyway, look, I'll end it with that. You know, the -- so "the hell with Caesar" has happened, eventually would happen.

And I hope to be around for a number of more years. And with that, God bless all of you for all the work we've done together. Thank you.

(Standing ovation.)

ACTING PRESIDENT WINNER: Senator Maltese.

SENATOR OWEN JOHNSON: Is this thing working?

Caesar and I and Frank Padavan are

the only three left of about 20 new Senators that came in in '72. Took office in '73, really.

And when I was first elected, I was mostly in Nassau County and part of Babylon. Every 10 years when they had a census, it moved a little further east, a little further east. Caesar said, "Every time you move, you take part of my district away. Every time, you take a part of my district away."

But we always got along well, really. Caesar was a great leader and a great friend. And I don't know what to say. I told him, and he didn't keep his word. He said he's going to keep serving here as long as I do. So I'm a little disappointed in that, but I'll see you around home, I'm sure.

And you're a great guy, a great friend to everybody. And we all love you, Caesar.

Thank you.

(Applause.)

ACTING PRESIDENT WINNER: Senator Maltese.

SENATOR MALTESE: Mr. President,

first of all, I want to wish Godspeed to my colleagues, all of you, and certainly those that are leaving with me, Marty and Efrain and of course Mary Lou and Caesar. Certainly you couldn't be in better company.

Many, many years ago -- over 50, as a matter of fact -- I first came up to Albany with my high school group. And when I saw the Senate chamber, I fell in love with it. And I wasn't smart enough to say at the time that I'd be back, but the fact is that I was. I did come back.

In 1965, I ran for the State Senate. That was that odd year. And I like to say to some of the school groups that 23 years later, I won.

(Laughter.)

SENATOR MALTESE: And persistence pays.

But the fact is that I've always been among those that felt that politics and government is certainly a noble calling. And everything I've seen these last 40 years, and the last 20 in the Senate, have certainly proven that.

I've enjoyed it. My wife, Constance, of 53 years has stood beside me all that time -- sometimes a little ahead of me. And it's been a very pleasant, pleasant experience.

I've enjoyed working with you, I think my staff have become my friends. They've endeavored to make me look good, sometimes under difficult circumstances.

But the fact is that I many times wondered at the fact -- and some of you may not like this -- but that they pay us to do this. That it's so much fun to represent the people.

We do accomplish a great deal. I know all of you do, through many, many difficulties. I think this is a great body. I've enjoyed working with all of you. I subscribe to the saying that Buckley had, you can disagree without being disagreeable. I admire what you do. I admire all of you, my colleagues and my friends. God bless you, and please persevere in giving the people the type of government that they need and deserve.

Thank you all for everything you've

done. Thank you.

(Applause.)

ACTING PRESIDENT WINNER: Senator Skelos.

SENATOR SKELOS: If I could, there's going to be an immediate short conference of the Majority in the Majority Conference Room.

Is there any further business at the desk?

ACTING PRESIDENT WINNER: No, there is not, Senator Skelos.

SENATOR SKELOS: I wish, first of all, everybody happy holidays.

I know this is an interesting time of year, and look forward to seeing you on January 7th.

There being no further business to come before the Senate, I move we stand adjourned until the call of the Majority Leader, intervening days being legislative days.

Thank you very much, and God bless.

ACTING PRESIDENT WINNER: On motion, the Senate stands adjourned until the

call of the Majority Leader, intervening days being legislative days.

(Whereupon, at 7:26 p.m., the Senate adjourned.)