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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

December 15, 2008

3:17 p.m.

REGULAR SESSION

SENATOR GEORGE H. WINNER, JR., Acting President

STEVEN M. BOGGESS, Secretary

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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.

1 Messages from the Assembly.

2 Messages from the Governor.

3 Reports of standing committees.

4 Senator Libous.

5 SENATOR LIBOUS: Mr. President, I

6 believe there's a report of the Judiciary

7 Committee at the desk.

8 ACTING PRESIDENT WINNER: The

9 Secretary will read the report of the

10 Judiciary Committee.

11 THE SECRETARY: Senator

12 DeFrancisco, from the Committee on Judiciary,

13 reports the following nominations:

14 As justice of the Supreme Court of

15 the Second Judicial District, Honorable Lewis

16 Bart Stone, of New York City.

17 ACTING PRESIDENT WINNER: Senator

18 DeFrancisco.

19 SENATOR DeFRANCISCO: Thank you.

20 I'm proud to rise and explain that

21 the three nominees that will be presented to

22 the full Senate today all have been thoroughly

23 reviewed by not only the Governor's office but

24 also by the State Senate; in fact, reviewed so

25 carefully that we didn't get these on the

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

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

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

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

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

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

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

4 (Response of "Aye.")

5 ACTING PRESIDENT WINNER:

6 Opposed, nay.

7 (No response.)

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

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

13 My congratulations to you, Justice.

14 (Applause.)

15 ACTING PRESIDENT WINNER: The  
16 Secretary will read.

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

20 ACTING PRESIDENT WINNER: Senator  
21 DeFrancisco.

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

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

3                   ACTING PRESIDENT WINNER:     Senator  
4 Breslin.

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

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

14                   Prior to that, he had served in any  
15 number of different legal capacities,  
16 including but not limited to as a town judge.  
17 He'd been the partner in a major Albany law  
18 firm, had worked -- as a matter of fact, to  
19 show you how much experience he had, he worked  
20 for the Senate Majority back in the early  
21 '80s, was deputy Secretary of State and  
22 general counsel.

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

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

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

7 (Response of "Aye.")

8 ACTING PRESIDENT WINNER:  
9 Opposed, nay.

10 (No response.)

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

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

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

18 (Applause.)

19 ACTING PRESIDENT WINNER: The  
20 Secretary will read.

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

24 ACTING PRESIDENT WINNER: Senator  
25 DeFrancisco.

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

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

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

13                  ACTING PRESIDENT WINNER:     Senator  
14     Maltese.

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

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

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

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

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

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

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

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

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

1 Melkonian as a judge of the Court of Claims.

2 ACTING PRESIDENT WINNER: Thank  
3 you, Senator Maltese.

4 Senator Flanagan.

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

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

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

25 And frankly, he's a good guy, and

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

3                         Mike, congratulations.

4                         ACTING PRESIDENT WINNER:         Senator  
5           Farley.

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

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

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

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

22                        ACTING PRESIDENT WINNER:         Senator  
23          Volker.

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

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

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

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

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

20                        And I wish you the best of luck.

21                        ACTING PRESIDENT WINNER:     Senator  
22          Maziarz.

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

25                        I rise too to second this

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

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

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

19 Thank you, Mr. President.

20 ACTING PRESIDENT WINNER: Senator  
21 Libous.

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

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

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

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

17 (Response of "Aye.")

18 ACTING PRESIDENT WINNER:  
19 Opposed, nay.

20 (Response of "Nay.")

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

24 Congratulations, Judge.

25 He's accompanied by his wife,

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

5 Again, my congratulations and best  
6 wishes to you.

7 (Applause.)

8 ACTING PRESIDENT WINNER: Reports  
9 of select committees.

10 Communications and reports from  
11 state officers.

12 Motions and resolutions.

13 SENATOR LIBOUS: Mr. President.

14 ACTING PRESIDENT WINNER: Senator  
15 Libous.

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

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

22 (Response of "Aye.")

23 ACTING PRESIDENT WINNER:  
24 Opposed, nay.

25 (No response.)

1                   ACTING PRESIDENT WINNER:     The  
2     Resolution Calendar is adopted.

3                   Senator Libous.

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

7                   ACTING PRESIDENT WINNER:     The  
8     Secretary will read.

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

14                  ACTING PRESIDENT WINNER:     Senator  
15     Johnson.

16                  SENATOR CRAIG JOHNSON:     Thank  
17     you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

13 (Response of "Aye.")

14 ACTING PRESIDENT WINNER:  
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT WINNER: The  
18 resolution is adopted.

19 The Secretary will read.

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

1                   ACTING PRESIDENT WINNER:     Senator  
2     Larkin.

3                   SENATOR LARKIN:        Thank you,  
4     Mr. President.

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

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

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

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

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

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

13 Who laughed?

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

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

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

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

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

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

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

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

21                        Thank you.

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

25                        (Response of "Aye.")

1                   ACTING PRESIDENT WINNER:

2           Opposed, nay.

3                   (No response.)

4                   ACTING PRESIDENT WINNER:        The  
5           resolution is adopted.

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

11                   The Secretary will read.

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

18                   ACTING PRESIDENT WINNER:        Senator  
19          Maltese.

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

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

1 Capitol, constantly lobbying on behalf of the  
2 veterans.

3 He has, in addition, been extremely  
4 active with the Citizens Flag Alliance and as  
5 a matter of fact is the designer and chief  
6 proponent of a flag "Missing in Attack on Our  
7 Nation," which has been the subject of  
8 legislation in this house, legislation Senate  
9 7139A, which passed this body, indicating that  
10 the flag can be flown on September 11th at the  
11 State Capitol and all official buildings of  
12 the state.

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

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

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

1 saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT WINNER:

4 Opposed, nay.

5 Excuse me, the roll call is  
6 withdrawn.

7 Senator DeFrancisco.

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

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

18 Thank you.

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

22 (Response of "Aye.")

23 ACTING PRESIDENT WINNER:

24 Opposed, nay.

25 (No response.)

1                   ACTING PRESIDENT WINNER:     The  
2     resolution is adopted.

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

6                   (Appause.)

7                   ACTING PRESIDENT WINNER:     Senator  
8     Libous.

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

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

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

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

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

24                  ACTING PRESIDENT WINNER:     Reports  
25    of standing committees.

1                   The Secretary will read the Rules  
2                   Committee report.

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

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

9                   6084A, by Senator Stewart-Cousins,  
10                  an act to amend the Town Law;

11                  6096A, by Senator C. Johnson, an  
12                  act to amend the Town Law;

13                  6647, by Senator Valesky, an act in  
14                  relation to permitting;

15                  7086, by Senator Aubertine, an act  
16                  to amend the Public Authorities Law;

17                  7430, by Senator Farley, an act to  
18                  amend the Banking Law;

19                  7452, by Senator Valesky, an act to  
20                  amend the Village Law;

21                  7631A, by Senator Aubertine, an act  
22                  in relation to making certain findings and  
23                  determinations;

24                  8128A, by Senator O. Johnson, an  
25                  act to amend the Executive Law and the

1 Criminal Procedure Law;

2 8506, by Senator Griffo, an act to  
3 amend the Public Service Law;

4 8743, by Senator Farley, an act to  
5 amend Chapter 148 of the Laws of 2001;

6 8783, by Senator Fuschillo, an act  
7 to adjust certain state aid payments;

8 8786, by Senator Bonacic, an act to  
9 amend Chapter 271 of the Laws of 2006;

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

12 All bills are ordered direct to  
13 third reading.

14 ACTING PRESIDENT WINNER: Senator  
15 Libous.

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

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

21 (Response of "Aye.")

22 ACTING PRESIDENT WINNER:  
23 Opposed, nay.

24 (No response.)

25 ACTING PRESIDENT WINNER: The

1 report is accepted.

2 Senator Libous.

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

6 ACTING PRESIDENT WINNER: The  
7 Secretary will read.

8 THE SECRETARY: Calendar Number  
9 2267, by Senator Skelos, Senate Print 8798, an  
10 act to amend the Tax Law.

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

13 Read the last section.

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

16 ACTING PRESIDENT WINNER: Call  
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT WINNER: Senator  
20 Schneiderman.

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

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

4                   SENATOR SCHNEIDERMAN:     I'm  
5     explaining my vote.

6                   ACTING PRESIDENT WINNER:     Thank  
7     you, Senator.

8                   SENATOR SCHNEIDERMAN:     Thank you,  
9     Mr. President.

10                  ACTING PRESIDENT WINNER:     You're  
11     welcome.

12                  SENATOR SCHNEIDERMAN:     Good to  
13     see you up there.

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

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

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

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

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

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

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

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

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

25 ACTING PRESIDENT WINNER: Senator

1 Montgomery.

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

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

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

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

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

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

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

13 Thank you.

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

16 Senator Krueger, to explain her  
17 vote.

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

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

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

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

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

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

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

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

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

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

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

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

1 vote no and urge my colleagues to vote no.

2 Thank you, Mr. President.

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

5 Announce the results.

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

12 Ayes, 44. Nays, 14.

13 ACTING PRESIDENT WINNER: The  
14 bill is passed.

15 The Secretary will read.

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

22 ACTING PRESIDENT WINNER:  
23 Substitution ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 2253, by Member of the Assembly Weinstein,  
2 Assembly Print Number 6421B, an act to amend  
3 the General Obligations Law.

4 ACTING PRESIDENT WINNER: Read  
5 the last section.

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

9 ACTING PRESIDENT WINNER: Call  
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 58.

13 ACTING PRESIDENT WINNER: The  
14 bill is passed.

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

21 ACTING PRESIDENT WINNER:  
22 Substitution ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number  
25 2254, by Member of the Assembly Brodsky,

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

3 ACTING PRESIDENT WINNER: Read  
4 the last section.

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

7 ACTING PRESIDENT WINNER: Call  
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT WINNER: The  
12 bill is passed.

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

19 ACTING PRESIDENT WINNER:  
20 Substitution ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number  
23 2255, by Member of the Assembly Schimel,  
24 Assembly Print Number 8938A, an act in  
25 relation to permitting.

1                   ACTING PRESIDENT WINNER:     There  
2     is a home-rule message at the desk.

3                   Read the last section.

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

6                   ACTING PRESIDENT WINNER:     Call  
7     the roll.

8                   (The Secretary called the roll.)

9                   THE SECRETARY:     Ayes, 58.

10                  ACTING PRESIDENT WINNER:     The  
11     bill is passed.

12                  May we have some order, please.

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

19                  ACTING PRESIDENT WINNER:  
20     Substitution ordered.

21                  The Secretary will read.

22                  THE SECRETARY:     Calendar Number  
23     2256, by Member of the Assembly Magee,  
24     Assembly Print Number 9560, an act in relation  
25     to permitting.

1                   ACTING PRESIDENT WINNER:     There  
2                   is a home-rule message at the desk.

3                   Read the last section.

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

6                   ACTING PRESIDENT WINNER:     Call  
7                   the roll.

8                   (The Secretary called the roll.)

9                   THE SECRETARY:     Ayes, 58.

10                  ACTING PRESIDENT WINNER:     The  
11                  bill is passed.

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

18                  ACTING PRESIDENT WINNER:  
19                  Substitution ordered.

20                  The Secretary will read.

21                  THE SECRETARY:     Calendar Number  
22                  2257, by Member of the Assembly Barclay,  
23                  Assembly Print Number 9436, an act to amend  
24                  the Public Authorities Law.

25                  ACTING PRESIDENT WINNER:     Read

1 the last section.

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

4 ACTING PRESIDENT WINNER: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 58.

8 ACTING PRESIDENT WINNER: The  
9 bill is passed.

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

16 ACTING PRESIDENT WINNER:  
17 Substitution ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number  
20 2258, by Member of the Assembly Peralta,  
21 Assembly Print Number 11030, an act to amend  
22 the Banking Law.

23 ACTING PRESIDENT WINNER: Read  
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT WINNER: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 58.

6 ACTING PRESIDENT WINNER: The  
7 bill is passed.

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

14 ACTING PRESIDENT WINNER:  
15 Substitution ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number  
18 2259, by Member of the Assembly Magee,  
19 Assembly Print Number 10417, an act to amend  
20 the Village Law.

21 ACTING PRESIDENT WINNER: Read  
22 the last section.

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

25 ACTING PRESIDENT WINNER: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 58.

4 ACTING PRESIDENT WINNER: The  
5 bill is passed.

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

12 ACTING PRESIDENT WINNER:  
13 Substitution ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number  
16 2260, by Member of the Assembly Townsend,  
17 Assembly Print Number 8216B, an act in  
18 relation to making certain findings and  
19 determinations.

20 ACTING PRESIDENT WINNER: There  
21 is a home-rule message at the desk.

22 Read the last section.

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

25 ACTING PRESIDENT WINNER: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 58.

4 ACTING PRESIDENT WINNER: The  
5 bill is passed.

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

12 ACTING PRESIDENT WINNER:  
13 Substitution ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number  
16 2261, by the Assembly Committee on Rules,  
17 Assembly Print Number 11721, an act to amend  
18 the Executive Law and the Criminal Procedure  
19 Law.

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

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

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

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

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

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

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

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

3 Thank you, Mr. President.

4 ACTING PRESIDENT WINNER: Read  
5 the last section.

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

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

13 ACTING PRESIDENT WINNER: Read  
14 the last section.

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

18 ACTING PRESIDENT WINNER: Call  
19 the roll.

20 (The Secretary called the roll.)

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

23 SENATOR SCHNEIDERMAN: Thank you.

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

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

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

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

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

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

25                       And I think OCA's objections are

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

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

14 ACTING PRESIDENT WINNER:  
15 Announce the results.

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

22 Ayes, 47. Nays, 11.

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

25 The Secretary will read.

1 THE SECRETARY: Calendar Number  
2 2262, by Senator Griffo, Senate Print 8506, an  
3 act to amend the Public Service Law.

4 ACTING PRESIDENT WINNER: Read  
5 the last section.

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

8 ACTING PRESIDENT WINNER: Call  
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT WINNER: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 2263, by Senator Farley, Senate Print 8743, an  
16 act to amend Chapter 148 of the Laws of 2001,  
17 relating to authorizing.

18 ACTING PRESIDENT WINNER: There  
19 is a home-rule message at the desk.

20 Read the last section.

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

23 ACTING PRESIDENT WINNER: Call  
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT WINNER: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 2264, by Senator Fuschillo, Senate Print 8783,  
6 an act to adjust certain state aid payments.

7 ACTING PRESIDENT WINNER: Read  
8 the last section.

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

11 ACTING PRESIDENT WINNER: Call  
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 58.

15 ACTING PRESIDENT WINNER: The  
16 bill is passed.

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

23 ACTING PRESIDENT WINNER:  
24 Substitution ordered.

25 The Secretary will read.

1                   THE SECRETARY:     Calendar Number  
2                   2265, by Member of the Assembly Cahill,  
3                   Assembly Print Number 11168, an act to amend  
4                   Chapter 271 of the Laws of 2006 amending the  
5                   Environmental Conservation Law.

6                   ACTING PRESIDENT WINNER:     Read  
7                   the last section.

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

10                  ACTING PRESIDENT WINNER:     Call  
11                  the roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:     Ayes, 58.

14                  ACTING PRESIDENT WINNER:     The  
15                  bill is passed.

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

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

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

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

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

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

5 ACTING PRESIDENT WINNER: The  
6 house will come to order.

7 Senator Libous.

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

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

14 ACTING PRESIDENT WINNER: Reports  
15 of standing committees.

16 The Secretary will read the Finance  
17 Committee report.

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

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

25 ACTING PRESIDENT WINNER: Senator

1 Libous.

2 SENATOR LIBOUS: Move the  
3 nomination.

4 ACTING PRESIDENT WINNER: Senator  
5 Johnson.

6 SENATOR O. JOHNSON: Move the  
7 nomination.

8 ACTING PRESIDENT WINNER: Thank  
9 you, Senator Johnson.

10 Senator Schneiderman.

11 SENATOR SCHNEIDERMAN: Thank you,  
12 Mr. President.

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

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

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

4 Marisa is someone I have known  
5 for -- and I cringe when I say this -- almost  
6 30 years. We attended law school together.  
7 And I will tell you, I've followed her career  
8 since then. There is no one better prepared  
9 to undertake this project, to undertake this  
10 trust that we're really placing in her than  
11 Marisa Lago.

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

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

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

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

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

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

19                      (Response of "Aye.")

20                      ACTING PRESIDENT WINNER:  
21          Opposed, nay.

22                      (No response.)

23                      ACTING PRESIDENT WINNER:        The  
24          nominee is confirmed.

25                      Marisa Lago is joined by her

1 husband, Ronald Finiw.

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

6 Thank you very much, and  
7 congratulations.

8 (Applause.)

9 ACTING PRESIDENT WINNER: The  
10 Secretary will read.

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

14 ACTING PRESIDENT WINNER: Senator  
15 Johnson.

16 SENATOR O. JOHNSON: Move the  
17 nomination.

18 ACTING PRESIDENT WINNER: Senator  
19 Maziarz.

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

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

1           this position.

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

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

11                      Thank you, Mr. President.

12                      ACTING PRESIDENT WINNER:       Senator  
13          LaValle.

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

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

1                   So, Jim, congratulations on your  
2                   appointment.

3                   ACTING PRESIDENT WINNER:     Senator  
4                   Larkin.

5                   SENATOR LARKIN:     Thank you,  
6                   Mr. President.

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

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

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

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

6                   (Response of "Aye.")

7                   ACTING PRESIDENT WINNER:  
8                   Opposed, nay.

9                   (No response.)

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

13                  Congratulations.

14                  (Applause.)

15                  ACTING PRESIDENT WINNER:     The  
16                  Secretary will read.

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

20                  ACTING PRESIDENT WINNER:     Senator  
21                  Johnson.

22                  SENATOR OWEN JOHNSON:     Move the  
23                  nomination.

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

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

4 (Response of "Aye.")

5 ACTING PRESIDENT WINNER:

6 Opposed, nay.

7 (No response.)

8 ACTING PRESIDENT WINNER: Joseph

9 Dennis Hanrahan is hereby confirmed as a  
10 commissioner of the State Civil Service  
11 Commission.

12 Our congratulations and best wishes  
13 to you.

14 (Applause.)

15 ACTING PRESIDENT WINNER: The

16 Secretary will read.

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

20 ACTING PRESIDENT WINNER: Senator

21 Johnson.

22 SENATOR O. JOHNSON: Move the

23 nomination.

24 ACTING PRESIDENT WINNER: Senator

25 Adams.

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

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

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

15                 ACTING PRESIDENT WINNER:    Senator  
16                 Perkins.

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

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

1 to commend the Governor for his  
2 recommendation.

3 ACTING PRESIDENT WINNER: Senator  
4 Hassell-Thompson.

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

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

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

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

1 and spirit that she brings to this post.

2 Thank you, Mr. President.

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

8 (Response of "Aye.")

9 ACTING PRESIDENT WINNER:  
10 Opposed, nay.

11 (No response.)

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

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

18 Congratulations.

19 (Applause.)

20 ACTING PRESIDENT WINNER: The  
21 Secretary will read.

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

25 As a member and chairman of the

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

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

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

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

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

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

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

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

1 Seneca.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 James Scaringe, of Orangeburg.

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

6 ACTING PRESIDENT WINNER: Senator  
7 Johnson.

8 SENATOR OWEN JOHNSON: Move the  
9 nominations.

10 ACTING PRESIDENT WINNER: Senator  
11 Stavisky.

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

21 Thank you.

22 ACTING PRESIDENT WINNER: Thank  
23 you, Senator Stavisky.

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

1 saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT WINNER:

4 Opposed, nay.

5 (No response.)

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

8 Senator Libous.

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

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

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

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

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

21 ACTING PRESIDENT WINNER: The  
22 house will come to order.

23 Senator Libous.

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

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

3                   ACTING PRESIDENT WINNER:       Reports  
4                   of standing committees.

5                   The Secretary will read the Rules  
6                   Committee report.

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

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

13                  ACTING PRESIDENT WINNER:       Senator  
14                  Libous.

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

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

20                  (Response of "Aye.")

21                  ACTING PRESIDENT WINNER:  
22                  Opposed, nay.

23                  (No response.)

24                  ACTING PRESIDENT WINNER:       The  
25                  report is accepted.

1 Senator Libous.

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

4 ACTING PRESIDENT WINNER: The  
5 Secretary will read.

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

12 ACTING PRESIDENT WINNER:  
13 Substitution ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number  
16 1529, by the Assembly Committee on Rules,  
17 Assembly Print Number 11696A, an act to amend  
18 the Education Law.

19 ACTING PRESIDENT WINNER: Read  
20 the last section.

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

23 ACTING PRESIDENT WINNER: Call  
24 the roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT WINNER:     Senator  
2     LaValle.

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

5                   This accountancy bill that we have  
6     before us, the present law was enacted in  
7     1947, and we have basically had the same law.

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

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

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

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

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

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

17 I vote in the affirmative,  
18 Mr. President.

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

21 SENATOR STAVISKY: Thank you,  
22 Mr. President.

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

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

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

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

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

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

23 Thank you, Mr. President.

24 ACTING PRESIDENT WINNER:

25 Announce the results.

1 THE SECRETARY: Ayes, 59. Nays,  
2 0.

3 ACTING PRESIDENT WINNER: The  
4 bill is passed.

5 Senator Libous.

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

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

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

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

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

17 ACTING PRESIDENT WINNER: Senator  
18 Libous.

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

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

25 ACTING PRESIDENT WINNER: Reports

1 of standing committees.

2 The Secretary will read the Finance  
3 Committee report.

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

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

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

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

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

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

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

1 Staten Island.

2 Senator Libous.

3 SENATOR LIBOUS: Would you move  
4 the nominations.

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

9 (Response of "Aye.")

10 ACTING PRESIDENT WINNER:

11 Opposed, nay.

12 (No response.)

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

15 Senator Smith.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 Thank you very much, Mr. President.

22 (Standing ovation.)

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

1 Senator Connor.

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

7 (Laughter.)

8 SENATOR CONNOR: But, you know, I  
9 do want to say this is the 231st session of  
10 this body, and I have been privileged to serve  
11 for the last 31 of those sessions. It is  
12 7.5 percent of the existence of this body  
13 since our New York republic was founded.

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

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

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

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

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

1 do it with him."

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

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

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

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

25 (Laughter.)

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

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

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

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

1 giant intellects, some wonderful,  
2 compassionate people.

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

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

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

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

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

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

25                   So, you know, it's just been a

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

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

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

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

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

3 (Laughter.)

4 SENATOR CONNOR: And I do feel a  
5 little bit -- and nothing is certain, I know.  
6 But I feel a little bit like Moses. You know,  
7 I wandered in the desert of the minority for  
8 31 years, and then I got to the edge and I  
9 look down and I think I see the promised land,  
10 but I can't go in.

11 (Laughter.)

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

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

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

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

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

12 (Extended standing ovation.)

13 ACTING PRESIDENT WINNER: Senator  
14 Smith.

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

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

25 And just as Senator Connor said,

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

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

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

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

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

5                         SENATOR GONZALEZ:     Nineteen  
6           years.

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

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

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

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

8           There was never a time that I would  
9 reach out to Senator Gonzalez, no matter what  
10 time of day, where, surprisingly, he would  
11 answer the phone. And most people know I  
12 don't get sleep, and I try not to. And I can  
13 tell you, whether it was 1 o'clock or  
14 2 o'clock or 3 o'clock, he was answering that  
15 phone and always ready to give some advice.

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

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

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

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

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

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

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

4                           (Laughter.)

5                   SENATOR SMITH:       But we will  
6           always be your colleague.

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

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

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

25                   Thank you very much, Mr. President.

1 (Standing ovation.)

2 SENATOR GONZALEZ: Mr. President.

3 ACTING PRESIDENT WINNER: Senator  
4 Gonzalez.

5 SENATOR GONZALEZ: Thank you.

6 To my colleagues, thank you.

7 Nineteen years in the Senate, but I think 34  
8 years as either a staffer I've been around  
9 this Senate body. I think that Senator  
10 LaValle and I were staffers at the same time  
11 back then.

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

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

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

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

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

14 (Applause.)

15 ACTING PRESIDENT WINNER: Senator  
16 Skelos.

17 SENATOR SKELOS: Thank you,  
18 Mr. President.

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

25 Efrain, I wish you the best.

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

6                   (Laughter.)

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

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

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

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

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

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

5                         SENATOR TRUNZO:        Thirty-six.

6                         SENATOR SKELOS:        Thirty-six years  
7           of wonderful service.

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

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

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

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

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

7 (Laughter.)

8 SENATOR SKELOS: But it is  
9 difficult to say goodbye.

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

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

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

1           you and we love you.

2                           (Standing ovation.)

3                           ACTING PRESIDENT WINNER:       Senator  
4           Rath.

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

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

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

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

1 And John Daly, eloquent as the day was long.

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

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

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

25 And so if eternal vigilance is the

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

13 Thank you.

14 (Standing ovation.)

15 ACTING PRESIDENT WINNER: Senator  
16 Trunzo.

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

22 And before that, I was eight years  
23 as a councilman for the town of Islip. So for  
24 45 years I've been an elected official.

25 And I remember at various functions

1 that during the campaign when I was being  
2 introduced, and at one point somebody turned  
3 around and said, you know, I actually had  
4 50 years of government work. Because back in  
5 1959, I was appointed as a member of the Islip  
6 Town Planning Board, and I served on that five  
7 years.

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

14 (Laughter.)

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

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

25 But believe me, it has been an

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

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

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

16 (Laughter; applause.)

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

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

23 (Laughter.)

24 SENATOR TRUNZO: And so that's  
25 it.

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

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

8                   (Laughter.)

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

11                  (Laughter, catcalls.)

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

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

20                  (Standing ovation.)

21                  ACTING PRESIDENT WINNER:       Senator  
22                  Maltese.

23                  SENATOR OWEN JOHNSON:       Is this  
24                  thing working?

25                  Caesar and I and Frank Padavan are

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

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

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

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

21 Thank you.

22 (Applause.)

23 ACTING PRESIDENT WINNER: Senator  
24 Maltese.

25 SENATOR MALTESE: Mr. President,

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

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

13 In 1965, I ran for the State  
14 Senate. That was that odd year. And I like  
15 to say to some of the school groups that  
16 23 years later, I won.

17 (Laughter.)

18 SENATOR MALTESE: And persistence  
19 pays.

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

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

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

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

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

25 Thank you all for everything you've

1 done. Thank you.

2 (Applause.)

3 ACTING PRESIDENT WINNER: Senator  
4 Skelos.

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

9 Is there any further business at  
10 the desk?

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

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

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

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

23 Thank you very much, and God bless.

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

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

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

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