

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

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11 7:58 p.m.

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13
14 REGULAR SESSION

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18 SENATOR DAVID J. VALESKY, Acting President

19 ANGELO J. APONTE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT VALESKY: The
3 Senate will please come to order.

4 I ask everyone present to please
5 rise and recite with me the Pledge of
6 Allegiance.

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

9 ACTING PRESIDENT VALESKY: The
10 invocation today will be delivered by Father
11 Peter G. Young, of Mother Teresa Community
12 here in Albany.

13 REVEREND YOUNG: Thank you,
14 Senator. Let us pray.

15 As we assemble tonight in this
16 historic Senate chamber, we were blessed with
17 a most enjoyable July-weather day. For many
18 days we were caught with a cloudy and rainy
19 forecast, and today God has provided us with
20 the sunshine that we need.

21 We understand that we are dependent
22 on You and Your blessings, O God, not just for
23 our good, the good weather, but for all of the
24 good that we have in our need in New York

1 State. We humbly turn to You for all of our
2 needs, but beyond our personal agenda to the
3 needs of the people's business of our great
4 Empire State.

5 As You represent Your constituents
6 tonight, we all gather in their honor for
7 beneficial legislation to address the many
8 economic stressful conditions, the issues with
9 answers for the health, education and social
10 priorities of the day. We pray that our
11 legislation will be effort to assist all of
12 those in need.

13 Amen.

14 ACTING PRESIDENT VALESKY: The
15 reading of the Journal.

16 The Secretary will read.

17 THE SECRETARY: In Senate,
18 Tuesday, July 14, the Senate met pursuant to
19 adjournment. The Journal of Monday, July 13,
20 was read and approved. On motion, Senate
21 adjourned.

22 ACTING PRESIDENT VALESKY:
23 Without objection, the Journal stands approved
24 as read.

1 Presentation of petitions.

2 Messages from the Assembly.

3 Messages from the Governor.

4 Reports of standing committees.

5 Senator Klein.

6 SENATOR SMITH: Mr. President.

7 ACTING PRESIDENT VALESKY:

8 Senator Smith.

9 SENATOR SMITH: That's quite all
10 right, Mr. President. Good to see you this
11 afternoon.

12 I would ask that you would please
13 read the report of the Judiciary Committee
14 that is at the desk.

15 ACTING PRESIDENT VALESKY:

16 Senator Smith, there is a report of the
17 Judiciary Committee at the desk.

18 The Secretary will read.

19 THE SECRETARY: Senator Sampson,
20 from the Committee on Judiciary, reports the
21 following nominations.

22 As a judge of the Court of Claims,
23 Mark D. Cohen, of Stony Brook.

24 ACTING PRESIDENT VALESKY:

1 Senator Sampson.

2 SENATOR SAMPSON: Yes, thank you
3 very much, Mr. President.

4 I've been given the opportunity of
5 appointments for confirmation, and at this
6 point in time I would like to call up the
7 respective nominees for confirmation,
8 Mr. President. And may I begin?

9 ACTING PRESIDENT VALESKY: You
10 may, Senator.

11 SENATOR SAMPSON: The first
12 individual we want to call up is a former
13 colleague of ours, someone who has served in
14 the State Senate, and someone who we duly have
15 a lot of respect and admiration for, and that
16 is former Senator Rick Dollinger, who is going
17 to be appointed to the Court of Claims.

18 ACTING PRESIDENT VALESKY: Thank
19 you, Senator Sampson.

20 Senator Breslin, you wish to be
21 heard on the nomination?

22 SENATOR BRESLIN: Thank you,
23 Mr. President.

24 It is an honor for me to stand and

1 second the nomination of Richard Dollinger,
2 who sits before us in the gallery. Rick, who
3 served 10 years in this body, did much for
4 legislative reform, so there's some degree of
5 comparison and irony to him sitting ready to
6 go on the bench of the Court of Claims.

7 He's one of the finest servants
8 that I have ever seen in this house or in any
9 house in this country.

10 So it is indeed my honor to second
11 you, Rick. Godspeed.

12 ACTING PRESIDENT VALESKY: Thank
13 you, Senator Breslin.

14 Senator Thompson, on the
15 nomination.

16 SENATOR THOMPSON: Yeah, I just
17 want to congratulate former Senator Dollinger,
18 and also former Justice Dollinger, but now
19 Court of Claims Judge Dollinger as well.

20 He's a very good man. I got a
21 chance to work with him, and I think he's the
22 right man for the job at the right time.

23 God bless you and God bless your
24 family as well.

1 ACTING PRESIDENT VALESKY: Thank
2 you, Senator Thompson.

3 Senator Liz Krueger, on the motion.

4 SENATOR LIZ KRUEGER: Thank you.
5 I also rise to just congratulate my colleague
6 and friend Senator Rick Dollinger for becoming
7 a judge.

8 Rick Dollinger had a lot to do with
9 my decision to run for the State Senate, and
10 lately I haven't forgiven him for it.

11 (Laughter.)

12 SENATOR LIZ KRUEGER: But I want
13 to say here on the floor that he will make a
14 superb Court of Claims judge. He will do all
15 of his colleagues on both sides of the aisle
16 proud.

17 And remember, you don't get to talk
18 that much when you're a judge, Rick.

19 (Laughter.)

20 SENATOR LIZ KRUEGER: So
21 congratulations.

22 ACTING PRESIDENT VALESKY: Thank
23 you, Senator Krueger.

24 Before we continue with Senators

1 speaking on the nomination, there's a bit of
2 housekeeping that the Secretary will take care
3 of.

4 The Secretary will read.

5 THE SECRETARY: As a judge of the
6 Court of Claims, Richard A. Dollinger, of
7 Rochester.

8 ACTING PRESIDENT VALESKY:
9 Senator Stachowski, on the motion.

10 SENATOR STACHOWSKI: Mr.
11 President, I too would like to rise to
12 congratulate the Governor on his nomination of
13 Rick Dollinger to the bench. I think that his
14 experience as a justice and his experience in
15 the Senate will serve him well.

16 And unlike what Liz says, that he's
17 limited in what he can talk, when you're the
18 judge, you're in charge of the whole room,
19 because he can talk whenever he wants. So for
20 those of us that served with him, I can't
21 think of anything he'll enjoy more.

22 (Laughter.)

23 SENATOR STACHOWSKI: So I'd like
24 to congratulate not only Rick and his family,

1 but the Governor on a fine choice.

2 Thank you.

3 ACTING PRESIDENT VALESKY: Thank
4 you, Senator Stachowski.

5 Senator Oppenheimer, on the motion.

6 SENATOR OPPENHEIMER: This sounds
7 like a lovefest, and it should be, for those
8 of us that had the pleasure of serving with
9 Rick.

10 But I would say that if he is half
11 as kind and thoughtful and wise and
12 well-spoken and funny, if he is half of what
13 he did here for us in the Senate, then I know
14 he's going to do it in this new position.

15 And he has been a very wise judge
16 after he had the good sense to leave the
17 Senate back then. And as everybody teases him
18 on being rather lengthy, what he said was
19 usually wise, even if we were all groaning and
20 hoping it would end.

21 So congratulations, Rick. I know
22 you're going to be brilliant.

23 ACTING PRESIDENT VALESKY: Thank
24 you, Senator Oppenheimer.

1 Senator Hassell-Thompson, on the
2 nomination.

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

5 I rise to congratulate the Governor
6 on this appointment and certainly to give my
7 congratulations to Rick Dollinger and to his
8 family on this next stage of his journey in
9 life.

10 I said this morning in committee
11 that Rick was -- he wasn't responsible for me
12 being here, but he certainly was responsible
13 for inspiring me as I served here. I came
14 with a lot of excitement about what I thought
15 I could do for the people of my district. And
16 through Rick and some of the people that I met
17 upon arriving here, I realized how much I
18 could do for the entire state.

19 I'm going to miss Rick, because
20 once he joins the bench he goes out of the
21 arena of politics and his advisement can no
22 longer be available to us.

23 But I certainly know that, as
24 someone who is deeply concerned about those

1 people that we appoint to the bench, that he
2 will serve with a compassion and a fairness
3 that is so appropriate. But more than that,
4 he is one of the few lawyers that I ever met
5 that understood so many disciplines other than
6 law and brought all of those to bear on those
7 that he served.

8 And so congratulations to you,
9 Rick, and Godspeed.

10 ACTING PRESIDENT VALESKY: Thank
11 you, Senator Hassell-Thompson.

12 Senator Schneiderman, on the
13 nomination.

14 SENATOR SCHNEIDERMAN: Thank you.
15 It is a pleasure and an honor to stand and
16 speak on this nomination.

17 It is very seldom that we have
18 someone who we know as we know collectively as
19 well and we collectively respect as much as we
20 do former Senator Dollinger. He was a great
21 colleague. He is a fine lawyer. He debated
22 vigorously with Republicans and sometimes with
23 Democrats on the floor, and frequently with
24 Democrats off the floor.

1 So I think that he is well
2 qualified. He sees many points of view.
3 Sometimes in his remarks in the Senate he
4 expressed several point of views in the same
5 colloquy.

6 He is really an extraordinary
7 talent. He is a good friend. I tease him a
8 lot. But truly this is well deserved. You'll
9 make a great judge. And it's wonderful for us
10 to be here today to move this process along.
11 Congratulations.

12 Thank you, Mr. President.

13 ACTING PRESIDENT VALESKY: Thank
14 you, Senator Schneiderman.

15 Senator Duane, on the nomination.

16 SENATOR DUANE: Thank you,
17 Mr. President.

18 ACTING PRESIDENT VALESKY: You're
19 welcome.

20 SENATOR DUANE: I didn't really
21 like Rick Dollinger that much.

22 (Laughter.)

23 SENATOR DUANE: He was
24 responsible for that great rules reform that

1 all of us remember, the canvass of agreement.
2 Yes, if not for Senator Rick Dollinger, we
3 would never have had the canvass of agreement.
4 And what fun we had with that one.

5 Anyway, so Rick Dollinger: We need
6 someone who knows the lyrics to every Dylan
7 song, who can repeat every scene word for word
8 from every Godfather movie. All of those
9 talents and skills will be invaluable on the
10 court, in addition to former Senator Rick
11 Dollinger's great spirit, wisdom, and sense of
12 fairness. A welcome decision to the Court of
13 Appeals.

14 Congratulations.

15 ACTING PRESIDENT VALESKY: Thank
16 you, Senator Duane.

17 Senator Sampson.

18 SENATOR SAMPSON: Thank you very
19 much. I rise to speak on this nomination of a
20 friend, but also an individual who I respect.

21 And, Senator Dollinger, I blame the
22 last six weeks of gridlock on you. Because if
23 you didn't leave us when you did -- but we
24 understand your commitment not only to your

1 family but to the practice of law.

2 But now you have been entrusted
3 with the commitment of making sure that you
4 restore the faith, the trust and the
5 confidence back in our judicial system. And
6 you are truly a person who possesses it all.

7 I want to congratulate you, but
8 most of all congratulate your wife for giving
9 you the time to not only be of public service
10 but to be an exceptional attorney.

11 So congratulations, Godspeed, and
12 I'm looking forward to appearing before you
13 one day.

14 Thank you.

15 ACTING PRESIDENT VALESKY: Thank
16 you, Senator Sampson.

17 Senator Smith.

18 SENATOR SMITH: Yes, thank you
19 very much, Mr. President.

20 As my colleagues before me, I only
21 rise to talk about someone who I had the
22 pleasure of serving with for a number of years
23 who always amazed me at his command of the
24 English language and his ability to set forth

1 an argument, set forth a discussion, and make
2 a point by which, even when our colleagues on
3 the other side of the aisle disagreed, they
4 felt reasoning to actually be persuaded by his
5 ability to just indicate the facts and what
6 mattered to most of the people of this state.

7 I think this judicial appointment
8 is one of sound judgment. Obviously his legal
9 background is unquestionable. But clearly,
10 what I think is more important is his
11 temperament and his commitment to the people
12 of this state. And a number of times
13 Mr. Dollinger has offered not only his own
14 personal life but also his personal intellect
15 to make this state a better place.

16 I can't tell how proud I am of you,
17 of your family, of your wife, knowing that
18 they're giving you this time back to the state
19 once again. And just know that you will
20 forever have friends in this house, Senator
21 Dollinger.

22 ACTING PRESIDENT VALESKY: Thank
23 you, Senator Smith.

24 Are there any other Senators who

1 wish to be heard on the nomination?

2 Seeing none, the question is on the
3 motion to confirm the nomination of Richard A.
4 Dollinger as a judge of the Court of Claims.
5 All in favor please signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT VALESKY:

8 Opposed, nay.

9 (No response.)

10 ACTING PRESIDENT VALESKY: The
11 motion carries. The nomination is hereby
12 confirmed.

13 Senator, now Judge Dollinger joins
14 us with his wife Marilyn. Congratulations.

15 (Standing ovation.)

16 ACTING PRESIDENT VALESKY: The
17 Secretary will continue to read.

18 THE SECRETARY: As a judge of the
19 Court of Claims, Judith A. Hard, of Albany.

20 ACTING PRESIDENT VALESKY:

21 Senator Sampson.

22 SENATOR SAMPSON: Thank you,
23 Mr. President.

24 At this point in time I would like

1 to move the nomination of Judith A. Hard as a
2 reappointment to the Court of Claims.

3 ACTING PRESIDENT VALESKY: Thank
4 you, Senator Sampson.

5 Are there any Senators who wish to
6 be heard on the motion to confirm the
7 nomination?

8 Seeing none, the question is on the
9 motion to confirm the nomination of Judith
10 Hard as a member of the Court of Claims. All
11 in favor signify by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT VALESKY:
14 Opposed, nay.

15 (No response.)

16 ACTING PRESIDENT VALESKY: The
17 motion carries. The nominee is hereby
18 confirmed.

19 Judge Hard is joined in the gallery
20 today by Emil Jarczyński, her friend.

21 Congratulations; best wishes.

22 (Applause.)

23 ACTING PRESIDENT VALESKY: The
24 Secretary will continue to read.

1 THE SECRETARY: As a judge of the
2 Court of Claims, James M. Kindler, of Dobbs
3 Ferry.

4 ACTING PRESIDENT VALESKY:
5 Senator Sampson.

6 SENATOR SAMPSON: Thank you very
7 much, Mr. President.

8 At this point in time I would like
9 to move the nomination of James M. Kindler for
10 appointment to the New York State Court of
11 Claims.

12 ACTING PRESIDENT VALESKY: Thank
13 you, Senator Sampson.

14 Are there any other Senators who
15 wish to be heard?

16 Seeing none, the question is on the
17 motion to confirm James Kindler as a judge of
18 the Court of Claims. All in favor signify by
19 saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT VALESKY:
22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT VALESKY: The

1 motion carries. The nominee is hereby
2 confirmed.

3 Judge Kindler joins us with his
4 daughter Sara, son-in-law Michael, and
5 grandson William.

6 Congratulations; best wishes.

7 (Applause.)

8 ACTING PRESIDENT VALESKY: The
9 Secretary will continue to read.

10 THE SECRETARY: As a judge of the
11 Court of Claims, Albert Lorenzo, of Armonk.

12 ACTING PRESIDENT VALESKY:
13 Senator Sampson.

14 SENATOR SAMPSON: Thank you very
15 much, Mr. President.

16 I would like to introduce the
17 nomination of Albert Lorenzo as a judge for
18 the New York State Court of Claims, and he
19 resides in the district of Senator Suzi
20 Oppenheimer.

21 ACTING PRESIDENT VALESKY: Thank
22 you, Senator Sampson.

23 Senator Oppenheimer.

24 SENATOR OPPENHEIMER: Thank you,

1 Mr. President.

2 Well, I must say the resume I am
3 reading here is quite extensive, and I think a
4 wonderful choice has been made. Albert
5 Lorenzo has been -- this is a reappointment,
6 because he was first appointed in 2002. And
7 though he's on the Court of Claims, he's
8 acting Supreme Court justice in the Bronx, I
9 believe.

10 But he's also an assistant dean at
11 St. John's University School of Law, where
12 he's an adjunct faculty professor. And he was
13 in the AG's office, and he was with the
14 Special Commissioner of Investigations, and he
15 was with the New York County DA's office. So
16 this is someone who has a wonderful,
17 well-rounded background.

18 And he's been doing a wonderful job
19 for seven years, and we absolutely, definitely
20 want to keep him working at his job.

21 So thank you very much for being
22 willing to take on this continued
23 responsibility.

24 ACTING PRESIDENT VALESKY: Thank

1 you, Senator Oppenheimer.

2 Are there any other Senators who
3 wish to be heard?

4 Seeing none, the question is on the
5 motion to confirm the nomination of Albert
6 Lorenzo as a judge of the Court of Claims.
7 All in favor signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT VALESKY:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT VALESKY: The
13 motion carries. The nomination is hereby
14 confirmed.

15 Judge Lorenzo joins us in the
16 gallery with his wife, Faith.

17 Congratulations, Judge.

18 (Applause.)

19 ACTING PRESIDENT VALESKY: The
20 Secretary will continue to read.

21 THE SECRETARY: As a judge of the
22 Court of Claims, Roger D. McDonough, of
23 Delmar.

24 ACTING PRESIDENT VALESKY:

1 Senator Sampson.

2 SENATOR SAMPSON: Thank you very
3 much, Mr. President.

4 At this point in time in time I
5 would like to introduce the nomination of
6 Roger D. McDonough as a judge for the New York
7 State Court of Claims. And he resides in the
8 district of Senator Neil Breslin.

9 ACTING PRESIDENT VALESKY: Thank
10 you, Senator Sampson.

11 Senator Breslin.

12 SENATOR BRESLIN: Yes, thank you,
13 Mr. President.

14 Roger McDonough came to us three
15 years ago with an extensive background as a
16 prosecutor in Queens and had served in
17 Governor Pataki's office. And I have followed
18 him during those three years, and he's done a
19 remarkably good job.

20 And I commend Governor Paterson for
21 reappointing him.

22 ACTING PRESIDENT VALESKY: Thank
23 you, Senator Breslin.

24 The question is on the motion to

1 confirm the nomination of Roger McDonough as a
2 judge of the Court of Claims. All in favor
3 signify by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT VALESKY:

6 Opposed, nay.

7 (No response.)

8 ACTING PRESIDENT VALESKY: The
9 motion carries. The nomination is hereby
10 confirmed.

11 Judge McDonough joins us in the
12 gallery with many of his family members and
13 staff.

14 Congratulations, Judge.

15 (Applause.)

16 ACTING PRESIDENT VALESKY: The
17 Secretary will continue to read.

18 THE SECRETARY: As a judge of the
19 Court of Claims, Juan M. Merchan, of
20 Douglaston.

21 ACTING PRESIDENT VALESKY:
22 Senator Sampson.

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

1 At this point in time I want to
2 move the nomination of Juan M. Merchan for a
3 judge of the New York State Court of Claims.
4 He appeared before us a couple of months ago
5 when we confirmed his nomination, and today we
6 have the same opportunity to do so. And he
7 resides in the district of Senator Frank
8 Padavan.

9 ACTING PRESIDENT VALESKY: Thank
10 you, Senator Sampson.

11 Are there any Senators who wish to
12 be heard?

13 Seeing none, the question is on the
14 motion to confirm the nomination of Juan
15 Merchan as a judge of the Court of Claims.
16 All in favor signify by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT VALESKY:
19 Opposed, nay.

20 (No response.)

21 ACTING PRESIDENT VALESKY: The
22 motion carries. The nominee is hereby
23 confirmed.

24 Judge Merchan joins us today in the

1 gallery with his wife, Lara, and daughter
2 Catalina.

3 Congratulations, Judge.

4 (Applause.)

5 ACTING PRESIDENT VALESKY: The
6 Secretary will continue to read.

7 THE SECRETARY: As a judge of the
8 Court of Claims, John L. Michalski, of
9 Williamsville.

10 ACTING PRESIDENT VALESKY:
11 Senator Sampson.

12 SENATOR SAMPSON: Thank you very
13 much, Mr. President.

14 It gives me great pleasure to move
15 the nomination of John L. Michalski for a
16 judge of the New York Court of Claims. And he
17 resides in the district of Senator
18 Ranzenhofer.

19 ACTING PRESIDENT VALESKY: Thank
20 you, Senator Sampson.

21 Senator Ranzenhofer.

22 SENATOR RANZENHOFER: Thank you,
23 Mr. President.

24 I've had the honor of knowing Judge

1 Michalski before he became a judge, for
2 approximately 20 years. He has an excellent
3 reputation as an attorney in private practice,
4 as an attorney who was the town prosecutor for
5 my hometown, and for the last three years as a
6 judge of the Court of Claims and an acting
7 Supreme Court judge.

8 His reputation is beyond reproach.
9 He is very well respected, very well liked by
10 all members of the bar on both sides. And it
11 is with a great deal of satisfaction and just
12 pride that I rise to talk about his
13 reappointment by the Governor to the Court of
14 Claims.

15 Thank you, Mr. President.

16 ACTING PRESIDENT VALESKY: Thank
17 you, Senator Ranzenhofer.

18 Senator Maziarz, on the nomination.

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

21 I too rise in support of this
22 nomination of Judge John Michalski to the
23 Court of Claims, reappointment to the Court of
24 Claims.

1 Judge Michalski has done an
2 excellent job since his initial appointment.
3 He appeared before the Judiciary Committee
4 today and got the unanimous consent of the
5 Judiciary Committee. He's done an excellent
6 job. He's a great jurist, has a great
7 reputation in Western New York as a fair
8 judge. I heartily endorse this nomination.

9 Thank you, Mr. President.

10 ACTING PRESIDENT VALESKY: Thank
11 you, Senator Maziarz.

12 Senator Volker.

13 SENATOR VOLKER: Yes, Judge
14 Michalski is one of the top legal people in
15 Western New York, a good friend of mine, and I
16 think has shown himself to be a wonderful
17 judge.

18 His trademark, by the way, is his
19 bow tie. And when you go into the courts, if
20 you need to look for him, you will see his bow
21 tie.

22 But he is a person who is
23 considered one of the strongest and most
24 powerful judges in the Court of Claims, and I

1 highly commend him.

2 ACTING PRESIDENT VALESKY: Thank
3 you, Senator Volker.

4 The question is on the motion to
5 confirm the nomination of John Michalski as a
6 judge of the Court of Claims. All in favor
7 please signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT VALESKY:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT VALESKY: The
13 motion carries. The nominee is hereby
14 confirmed.

15 Judge Michalski joins us today in
16 the gallery with his wife, Susan.

17 Judge, congratulations.

18 (Applause.)

19 ACTING PRESIDENT VALESKY: The
20 Secretary will continue to read.

21 THE SECRETARY: As a judge of the
22 Court of Claims, Joseph C. Pastoressa of
23 St. James.

24 ACTING PRESIDENT VALESKY:

1 Senator Sampson.

2 SENATOR SAMPSON: Thank you very
3 much, Mr. President.

4 I'd like to move the nomination of
5 Joseph C. Pastoressa as a judge for the
6 New York State Court of Claims. And he
7 resides in the senatorial district of
8 Senator Flanagan.

9 Thank you very much, Mr. President.

10 ACTING PRESIDENT VALESKY: Thank
11 you, Senator.

12 Senator LaValle.

13 SENATOR LaVALLE: On the
14 nomination.

15 I've known Judge Pastoressa for a
16 number of years in various judicial positions.
17 He not only on the law is terrific, but has a
18 wonderful judicial demeanor. And I rise with
19 great pleasure to second his nomination.

20 ACTING PRESIDENT VALESKY: Thank
21 you, Senator LaValle.

22 Are there any other Senators who
23 wish to be heard?

24 Seeing none, the question is on the

1 motion to confirm the nomination of Joseph
2 Pastoressa as a judge of the Court of Claims.
3 All in favor signify by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT VALESKY:

6 Opposed, nay.

7 (No response.)

8 ACTING PRESIDENT VALESKY: The
9 motion carries. The nominee is hereby
10 confirmed.

11 Judge Pastoressa joins us in the
12 gallery with many of his family members.

13 Judge, congratulations.

14 (Applause.)

15 ACTING PRESIDENT VALESKY: The
16 Secretary will continue to read.

17 THE SECRETARY: As a judge of the
18 Court of Claims, Maxwell Wiley, of New York
19 City.

20 ACTING PRESIDENT VALESKY:
21 Senator Sampson.

22 SENATOR SAMPSON: Thank you very
23 much, Mr. President.

24 I'd like to move forward the

1 nomination of Maxwell Wiley, a reappointment
2 as a judge for the New York State Court of
3 Claims, and he resides in the district of
4 Senator Squadron.

5 And I'm quite sure if Senator
6 Squadron was here, he too would congratulate
7 this individual for his reappointment to the
8 Court of Claims.

9 Thank you, Mr. President.

10 ACTING PRESIDENT VALESKY: Thank
11 you, Senator Sampson.

12 The question is on the motion to
13 confirm the nomination of Maxwell Wiley as a
14 judge of the Court of Claims. All in favor
15 signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT VALESKY:
18 Opposed, nay.

19 (No response.)

20 ACTING PRESIDENT VALESKY: The
21 motion carries. The nominee is hereby
22 confirmed.

23 Judge Wiley joins us in the
24 gallery. Congratulations and best wishes.

1 (Applause.)

2 ACTING PRESIDENT VALESKY: The
3 Secretary will continue to read.

4 THE SECRETARY: As a justice of
5 the Supreme Court of the First Judicial
6 District, Dominic R. Massaro, of Pelham Manor.

7 ACTING PRESIDENT VALESKY:
8 Senator Sampson.

9 SENATOR SAMPSON: Thank you very
10 much.

11 I would like to, at this point in
12 time, move the nomination to the Supreme Court
13 First Judicial District of Dominic Massaro,
14 and he resides in the district of Senator Suzi
15 Oppenheimer.

16 Thank you very much, Mr. President.

17 ACTING PRESIDENT VALESKY: Thank
18 you, Senator Sampson.

19 Senator Oppenheimer, on the
20 nomination.

21 SENATOR OPPENHEIMER: Actually, I
22 would have to make a correction. Though I'm
23 very pleased to do the appointment of Dominic
24 Massaro, he's in Jeff Klein's district. So I

1 cannot take the honor of doing that because he
2 is not in my district, but I'll introduce
3 Senator Jeff Klein.

4 ACTING PRESIDENT VALESKY:
5 Senator Klein.

6 SENATOR KLEIN: Thank you very
7 much, Senator Oppenheimer.

8 It's my pleasure to rise in support
9 of Judge Dominic Massaro, who I've known for
10 some time now. He used to be a next-door
11 neighbor in the Morris Park section of the
12 Bronx, where he was born and raised. Now he
13 lives in the Pelham Manor portion of my
14 district, in Westchester County.

15 He's someone who not only over the
16 years has exhibited legal acumen and a legal
17 scholar, but also he's someone who we consider
18 our Bronx historian, an expert on the
19 illustrious history of the borough of the
20 Bronx.

21 He was a terrific and
22 well-respected Court of Claims judge; now he
23 rises to the Supreme Court, the highest trial
24 court. And I wish him luck and second his

1 nomination.

2 ACTING PRESIDENT VALESKY: Thank
3 you, Senator Klein.

4 The question is on the motion to
5 confirm the nomination of Dominic R. Massaro
6 as a justice of the Supreme Court. All those
7 in favor please signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT VALESKY:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT VALESKY: The
13 motion carries. The nominee is hereby
14 confirmed.

15 Judge Massaro joins us this evening
16 with his wife, Frances.

17 Congratulations, Judge. Best
18 wishes.

19 (Applause.)

20 ACTING PRESIDENT VALESKY: The
21 Secretary will continue to read.

22 THE SECRETARY: As a justice of
23 the Supreme Court of the Ninth Judicial
24 District, Francesca E. Connolly, of Ossining.

1 ACTING PRESIDENT VALESKY:

2 Senator Sampson.

3 SENATOR SAMPSON: Thank you very
4 much, Mr. President.

5 At this point in time I would like
6 to move the nomination of Francesca E.
7 Connolly as a justice of the Supreme Court for
8 the Ninth Judicial District. And once again,
9 another resident of Senator Suzi Oppenheimer.

10 ACTING PRESIDENT VALESKY:

11 Senator Oppenheimer.

12 SENATOR OPPENHEIMER: Thank you
13 so much. Thank you, Mr. President, if I may.

14 And yes, this fabulous person
15 actually does live in my district. And she
16 has had a few years now, three or four years,
17 working as a town justice in the Town of
18 Ossining. And everybody has so applauded the
19 job she's done, and I think that's why she's
20 being considered for this higher office.

21 She has been deemed with the
22 highest rating by the New York State
23 Independent Judicial Election Qualification
24 Commission and the highest rating by the

1 Westchester County Bar Association and the
2 highest rating given to practicing attorneys
3 by your peers by Martindale Hubbell. So
4 needless to say, her qualifications are
5 immense and highly respected.

6 But I'd like just to take one
7 minute to talk about Fran, my friend. Though
8 she has this fancy name, Francesca, she's
9 really a very down-to-earth woman named Fran.
10 And she has done so much for her community,
11 for her schools, for her government. She has
12 served in every imaginable capacity.

13 So this is not just someone with
14 judicial wisdom, this is someone that is
15 committed to people, committed to community,
16 and she is going to do a brilliant job in this
17 next role. And I applaud her and wish her
18 Godspeed.

19 ACTING PRESIDENT VALESKY: Thank
20 you, Senator Oppenheimer.

21 The question is on the motion to
22 confirm the nomination of Francesca Connolly
23 as a justice of the Supreme Court. All those
24 in favor please signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT VALESKY:

3 Senator Hassell-Thompson, before we call the
4 question.

5 SENATOR HASSELL-THOMPSON: Just
6 briefly. Thank you, Mr. President, for
7 recognizing me and for giving me the
8 opportunity to publicly speak on behalf of
9 Francesca, who, as Senator Oppenheimer says,
10 to people who know her is Fran.

11 I am very proud of this appointment
12 that the Governor has made. And as a fellow
13 Westchesterite, I know the long history of
14 work that she has done in and out of the
15 courts. And I am very pleased to be among
16 those who second her nomination today and
17 congratulate her on this milestone, and to her
18 family.

19 Thank you, Mr. President.

20 ACTING PRESIDENT VALESKY: Thank
21 you, Senator Hassell-Thompson.

22 Senator Stewart-Cousins.

23 SENATOR STEWART-COUSINS: Yes,
24 thank you, Mr. President. I rise as well to

1 congratulate my friend Fran and thank her for
2 all that she has done.

3 If you look at her resume and you
4 see the years that she's spent obviously in
5 the practice of law, but then you see all the
6 behind the scenes -- she's a real hockey mom,
7 and she started in PTA and she moved herself
8 up from every level and every position.
9 However she could help the community, that's
10 exactly what she did.

11 So we are all very, very pleased at
12 this elevation. We know that you will do an
13 extraordinary job. And we look forward to all
14 the service that you will do.

15 I also, though, want to say -- and
16 I did not congratulate Mr. Kindler, who is
17 from Dobbs Ferry, where I do represent. And
18 thank you so much. In looking at your resume,
19 forty years of practicing law, being
20 extraordinary, and really representing on
21 issues that we pay attention to, whether it's
22 terrorism, drugs and courts, et cetera.

23 So I did not want to overlook the
24 fact that you, too -- thank you again for your

1 service. And thank you, Fran.

2 Thank you, Mr. President.

3 ACTING PRESIDENT VALESKY: Thank
4 you, Senator Stewart-Cousins.

5 Are there any other Senators who
6 wish to be heard?

7 Seeing none, the motion now, then,
8 is on the motion to confirm the nomination of
9 Francesca Connolly as a justice of the Supreme
10 Court. All in favor signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT VALESKY:
13 Opposed, nay.

14 (No response.)

15 ACTING PRESIDENT VALESKY: The
16 motion carries. The nominee is hereby
17 confirmed.

18 Judge Connolly joins us this
19 evening with family and friends in the
20 gallery. Congratulations and best wishes.

21 (Applause.)

22 ACTING PRESIDENT VALESKY: The
23 Secretary will continue to read.

24 THE SECRETARY: As a judge of the

1 Rensselaer County Family Court, Richard A.
2 Hanft, of Troy.

3 ACTING PRESIDENT VALESKY:
4 Senator Sampson.

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

7 I would like to move the nomination
8 of Richard A. Hanft as judge of the Rensselaer
9 County Family Court. And he resides in the
10 district of Senator McDonald.

11 ACTING PRESIDENT VALESKY: Thank
12 you, Senator Sampson.

13 Senator Breslin, on the nomination.

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

16 This is a very appropriate and good
17 nomination. Rich Hanft has been a
18 well-respected practicing lawyer for over
19 35 years, concentrating on matrimonial and
20 family law. He's been a law guardian I think
21 since 1973.

22 And so it's a culmination of a
23 career that has concentrated in that area of
24 family and matrimonial law, and I commend the

1 Governor for the appointment.

2 ACTING PRESIDENT VALESKY: Thank
3 you, Senator Breslin.

4 The question is on the motion to
5 confirm the nomination of Richard Hanft to the
6 Rensselaer County Family Court. All in favor
7 signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT VALESKY:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT VALESKY: The
13 motion carries. The nominee is hereby
14 confirmed.

15 Judge Hanft is here with family and
16 friends in the gallery. Congratulations and
17 best wishes.

18 (Applause.)

19 ACTING PRESIDENT VALESKY: The
20 Secretary will continue to read.

21 THE SECRETARY: As a judge of the
22 Ulster County Court, Deborah S. Schneer, of
23 High Falls.

24 ACTING PRESIDENT VALESKY:

1 Senator Sampson.

2 SENATOR SAMPSON: Thank you very
3 much, Mr. President.

4 I'd like to move the nomination of
5 Deborah S. Schneer as a judge of the Ulster
6 County Court. And she resides in the district
7 of the esteemed Senator John Bonacic.

8 ACTING PRESIDENT VALESKY: Thank
9 you, Senator Sampson.

10 Are there any Senators who wish to
11 be heard?

12 The question is on the motion to
13 confirm the nomination of Deborah Schneer as a
14 judge of the Ulster County Family Court. All
15 in favor signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT VALESKY:
18 Opposed, nay.

19 (No response.)

20 ACTING PRESIDENT VALESKY: The
21 motion carries. The nominee is hereby
22 confirmed.

23 Judge Schneer joins us with family
24 and friends in the gallery this evening.

1 Congratulations and best wishes.

2 (Applause.)

3 ACTING PRESIDENT VALESKY: The
4 Secretary will continue to read.

5 Senator Lanza.

6 SENATOR LANZA: Thank you,
7 Mr. President.

8 It's my understanding we've gone
9 from the confirmation of the Honorable
10 Lawrence Marks to the confirmation of the
11 Honorable Deborah Schneer, and that the
12 confirmation of Richard Dollinger was taken
13 out of order.

14 ACTING PRESIDENT VALESKY: The
15 nomination of Mr. Marks was actually not taken
16 up.

17 Mr. Dollinger was confirmed earlier
18 this evening.

19 SENATOR LANZA: Mr. President,
20 that nomination was taken up out of order with
21 respect to the list that was handed out to
22 every member here; is that true?

23 ACTING PRESIDENT VALESKY: I
24 believe that's the case.

1 SENATOR LANZA: And in fact it's
2 my understanding that despite the fact that
3 that nomination was to be taken up toward the
4 end of the list, in fact that nomination was
5 brought up first. Is that correct?

6 ACTING PRESIDENT VALESKY: That's
7 correct.

8 SENATOR LANZA: Well,
9 Mr. President, I rise because I'm
10 uncomfortable with respect to what's happening
11 here.

12 The Majority called for session at
13 1:00 p.m. today. And I've been here all day.
14 And session did not begin at 1:00 p.m., it
15 didn't begin at 2:00 p.m. or 3:00 or 4:00.
16 I've been in the building all day. The
17 Democrats weren't here at 6:00 or 7:00. And
18 then all of a sudden session began.

19 And I have to tell you,
20 Mr. President, I never received a
21 notification. No one had the decency --
22 whether it be the Secretary of the Senate, the
23 Majority Leader, or any one of my
24 colleagues -- to call my office, where I've

1 never left, all day, to say that this was
2 happening.

3 So I'd like the record to reflect
4 that had I been here, that I would have voted
5 in the negative with respect to the
6 confirmation of Richard Dollinger.

7 ACTING PRESIDENT VALESKY: The
8 record shall so reflect, Senator Lanza.

9 The Secretary will continue to
10 read.

11 THE SECRETARY: As a justice of
12 the Supreme Court of the Fourth Judicial
13 District, Frank A. Gulotta, Jr., of Woodbury.

14 ACTING PRESIDENT VALESKY:
15 Senator Sampson.

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

18 I would like to move the nomination
19 of Frank A. Gulotta, Jr., as justice of the
20 Supreme Court of the Fourth Judicial District.
21 And at this point in time he resides in a good
22 friend of mine's district, Senator Marcellino,
23 and I'm quite sure Senator Marcellino will
24 want to speak on this nomination.

1 ACTING PRESIDENT VALESKY: Thank
2 you, Senator Sampson.

3 Senator Marcellino, on the
4 nomination.

5 SENATOR MARCELLINO: Thank you,
6 Senator Sampson.

7 Mr. President, I appreciate the
8 privilege of speaking on behalf of a good
9 friend of mine, Frank Gulotta, to be appointed
10 to the Supreme Court.

11 Frank is a great judge. He served
12 with distinction, he has the proper attitude,
13 the proper demeanor. His family is well known
14 in Nassau County politics. His father was a
15 ground-breaker for Italian-Americans in
16 serving in government and achieving high
17 office, one of the first if not the first on
18 Long Island to do so.

19 So Frank comes from a family of
20 serving people who understand the right of
21 giving back to the community which has done
22 right for them. Frank is a good person and
23 will serve with distinction on the Supreme
24 Court. It's my pleasure to second his

1 nomination.

2 And again, I thank Senator Sampson
3 for giving me the privilege. Thank you.

4 ACTING PRESIDENT VALESKY: Thank
5 you, Senator Marcellino.

6 Senator Craig Johnson, on the
7 nomination.

8 SENATOR CRAIG JOHNSON: Thank you
9 very much, Mr. President. I also rise to
10 second the nomination of Frank Gulotta to the
11 Supreme Court Fourth Judicial District.

12 Now, if you take a look at his
13 resume, it is extensive. His legal background
14 is second to none. We'll ignore your past
15 leadership in certain Republican clubs; that's
16 okay by me.

17 But I think what's really important
18 for me when it comes to getting
19 recommendations and seeking advice on
20 approving judicial nominations is to reach out
21 to those who serve or work with the nominee.
22 And in my case, I'm lucky, I have a
23 father-in-law, the Honorable John L. Kase, who
24 serves as a county court judge.

1 And he tells me that what makes
2 Judge Gulotta special is that he is a judge's
3 judge, somebody who many judges, be it at the
4 district court level or the county court
5 level, Court of Claims or Supreme Court level,
6 go to him to seek counsel and advice on
7 difficult cases. And so I can think of no
8 better person to serve as a Supreme Court
9 justice in our judicial system.

10 So I congratulate you, Justice
11 Gulotta. I welcome your brother Tom, who
12 served with distinction in Nassau County as
13 the county executive, who I worked with for a
14 couple of years in Nassau County. It's great
15 to see you, Tom, joining us and joining your
16 brother as well.

17 But congratulations, Justice
18 Gulotta, on your nomination and hopefully
19 confirmation.

20 Thank you very much, Mr. President.

21 ACTING PRESIDENT VALESKY: Thank
22 you, Senator Johnson.

23 Senator Fuschillo, on the
24 nomination.

1 SENATOR FUSCHILLO: Thank you,
2 Mr. President. Just briefly.

3 I just want to thank Senator
4 Sampson for moving this nomination and join my
5 colleagues Senator Marcellino and Senator
6 Johnson in seconding the nomination.

7 Judge Gulotta comes from a family
8 of individuals that have committed themselves
9 to public service. His father broke barriers
10 I believe as the first Italo-American elected
11 official in Nassau County, as the district
12 attorney; distinguished himself on the bench
13 for many years. And his brother Tom served in
14 the legislature and town government and county
15 executive for a number of years.

16 And Frank has certainly continued
17 the tradition. You know, honesty and
18 integrity go with the name Frank Gulotta. And
19 I want to compliment the Governor on this
20 nomination, and I'm confident he'll continue
21 to serve with distinction on the bench.

22 I proudly second the nomination,
23 Mr. President.

24 ACTING PRESIDENT VALESKY: Thank

1 you, Senator Fuschillo.

2 The question is on the motion to
3 confirm the nomination of Frank Gulotta, Jr.,
4 as a justice of the Supreme Court. All those
5 in favor please signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT VALESKY:

8 Opposed, nay.

9 (No response.)

10 ACTING PRESIDENT VALESKY: The
11 motion carries. The nominee is hereby
12 confirmed.

13 Judge Gulotta is joined by his
14 brother Tom in the gallery this evening.

15 Congratulations and best wishes,
16 Judge.

17 (Applause.)

18 ACTING PRESIDENT VALESKY: The
19 Secretary will continue to read.

20 THE SECRETARY: As a justice of
21 the Supreme Court of the Eighth Judicial
22 District, John P. Collins, of the Bronx.

23 ACTING PRESIDENT VALESKY:

24 Senator Sampson.

1 SENATOR SAMPSON: Thank you very
2 much, Mr. President.

3 At this point in time I would like
4 to move the nomination of John P. Collins as a
5 justice of the Supreme Court of the Eighth
6 Judicial District. And he resides in the
7 senatorial district of Senator Jeff Klein.

8 Thank you very much, Mr. President.

9 ACTING PRESIDENT VALESKY: Thank
10 you, Senator Sampson.

11 Senator Volker, on the nomination.

12 SENATOR VOLKER: Mr. Collins,
13 although he resides in the Bronx, is being
14 appointed in the Eighth Judicial District,
15 which is Western New York.

16 He did not appear at the Judiciary
17 hearing. For the information of those here, I
18 am the senior person on the Judiciary
19 Committee, although the Senator here is the
20 former chairman.

21 But I want to say this. I
22 understand what happened here, but I would
23 ask, if this ever happens again, that we be
24 notified that a person who is not part of the

1 judicial district be appointed.

2 There is no candidate at this point
3 in the Eighth Judicial District. So what is
4 happening here, actually -- and I read his
5 bio, and he is a very competent judge. I do
6 not deny that he is a very competent judge.
7 And Senator DeFrancisco agreed with that.

8 But I will have to vote against
9 him, because there was no notification that
10 the reason for this -- and I understand why it
11 is -- is that this gentleman is going to
12 become 70 years old. And what will happen is
13 at that time he will be able to be a senior
14 judge. And if he is not appointed now, he
15 would not be able to be a senior judge.

16 But I would say please, in the
17 future, at the very least we be given the
18 courtesy -- and by the way, this has happened
19 before. I want to tell you, this has happened
20 before under Republicans. And so I just want
21 to make that clear. But we should be notified
22 that somebody who is going to be representing
23 our district, even though they don't live in
24 it, is being named.

1 And as a result of that, I'm going
2 to have to vote no, although I admit that this
3 person, as I read his biography, appears to be
4 extremely competent. I vote no.

5 ACTING PRESIDENT VALESKY: Thank
6 you, Senator Volker.

7 Senator DeFrancisco.

8 SENATOR DeFRANCISCO: Yes, I'm
9 not quite certain why an individual who is
10 getting a benefit like this -- namely, getting
11 the opportunity to serve beyond the mandatory
12 retirement age, and being appointed to a
13 district nowhere near his home -- would not be
14 required or would not want to appear at a
15 Judiciary Committee hearing or the
16 confirmation.

17 He has the most to gain in this
18 particular situation. There are many
19 competent, qualified people that would love to
20 have this position.

21 So I don't think this is good
22 precedent at all -- not necessarily that he's
23 from a different area of the state, but not to
24 have the person appear. And if the person

1 couldn't appear on this day, there certainly
2 could be other days, so that he can answer
3 questions if there were any.

4 So I think it's bad precedent and
5 we shouldn't have this process. I'm going to
6 vote no as well.

7 The other thing that concerns me is
8 there were two people that were skipped, Mark
9 Cohen and Lawrence Marks. If I'm not
10 mistaken, they were on the lists that were to
11 be confirmed on June 8th, but something else
12 happened that day so that they had to sit here
13 and not be confirmed.

14 So there's been over a month for
15 anybody in this Senate to air their grievances
16 or their concerns or to look up anything that
17 might be of interest about that candidate.
18 Over a month, these people could have been
19 vetted out.

20 Today they go through the Judiciary
21 Committee hearing, and they're all moved to
22 the Senate. Now, I have no clue what the
23 reason is for them not being confirmed when
24 they're here a second time. But whatever the

1 reason is, I personally, even though I have no
2 control whatsoever over this process,
3 apologize for both of them, because there was
4 an awful lot of time, plenty of time to check
5 out their backgrounds and give them the common
6 courtesy of not having to appear on two
7 occasions and not have the courtesy of a vote.

8 So I vote no on this particular
9 nominee. Thank you.

10 ACTING PRESIDENT VALESKY: Thank
11 you, Senator DeFrancisco.

12 Senator Montgomery, on the
13 nomination.

14 SENATOR MONTGOMERY: Yes,
15 Mr. President. I do not intend to vote no on
16 this nominee, certainly, but I just want to
17 take this opportunity to agree with Senator
18 Volker.

19 I think I would certainly -- I have
20 for many years wondered why we have
21 appointments to courts in New York City of
22 judges that live upstate. And I always
23 thought that was a bad idea. I would prefer
24 that the judges that are going to be ruling in

1 the courts in New York City be from New York
2 City.

3 So I concur with him, and I
4 think -- I would certainly hope that we could
5 work together on correcting that practice,
6 because I too believe that we should not be
7 appointing judges in that way.

8 But I will vote yes on this
9 nominee.

10 ACTING PRESIDENT VALESKY: Thank
11 you, Senator Montgomery.

12 Are there any other Senators who
13 wish to be heard?

14 Seeing none, the question is on the
15 motion to confirm the nomination of John
16 Collins as a judge of the Supreme Court. All
17 in favor signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT VALESKY:
20 Opposed, nay.

21 (Response of "Nay.")

22 ACTING PRESIDENT VALESKY: The
23 motion carries. The nominee is hereby
24 confirmed.

1 Senator Smith, that completes the
2 list of judicial nominees.

3 SENATOR SMITH: Thank you,
4 Mr. President. Mr. President, could we have
5 the Senate stand at ease, please.

6 ACTING PRESIDENT VALESKY: The
7 Senate will stand at ease.

8 (Whereupon, the Senate stood at
9 ease at 8:48 p.m.)

10 (Whereupon, the Senate reconvened
11 at 11:52 p.m.)

12 ACTING PRESIDENT VALESKY:
13 Senator Klein.

14 SENATOR KLEIN: Mr. President, I
15 see the clock has struck midnight. I would
16 like to note for the record that after
17 consultation with Senator Tom Libous, and with
18 unanimous consent, we will continue with the
19 session past midnight and continue our
20 legislative work.

21 ACTING PRESIDENT VALESKY:
22 Pursuant to unanimous consent and a motion by
23 Senator Klein, the Senate will continue its
24 legislative business through the midnight

1 hour.

2 SENATOR KLEIN: If we could stand
3 at ease, Mr. President.

4 ACTING PRESIDENT VALESKY: The
5 Senate will continue to stand at ease.

6 (Whereupon, the Senate stood at
7 ease at 11:53 p.m.)

8 (Whereupon, the Senate reconvened
9 at 12:34 a.m.)

10 ACTING PRESIDENT VALESKY:
11 Senator Smith.

12 SENATOR SMITH: Yes,
13 Mr. President. Could we please return to the
14 order of reports of standing committees.

15 I ask that you return to the report
16 of the Judiciary Committee and recognize
17 Senator Klein.

18 ACTING PRESIDENT VALESKY:
19 Returning to the reports of standing
20 committees.

21 Senator Klein.

22 SENATOR KLEIN: Thank you,
23 Mr. President.

24 It's my pleasure to nominate, as a

1 judge of the Court of Claims, Lawrence K.
2 Marks, of Port Washington.

3 He has an extensive legal
4 background. And I think when Mr. Marks
5 assumes his place on the bench, justice will
6 certainly be done.

7 It's my pleasure to nominate
8 Lawrence Marks as a judge of the Court of
9 Claims.

10 ACTING PRESIDENT VALESKY: Thank
11 you, Senator Klein.

12 The Secretary will read.

13 THE SECRETARY: Senator Sampson,
14 from the Committee on Judiciary, reports the
15 following nomination.

16 As a judge of the Court of Claims,
17 Lawrence K. Marks, of Port Washington.

18 ACTING PRESIDENT VALESKY: Are
19 there any Senators who wish to be heard on the
20 nomination?

21 Seeing none, the question is on the
22 motion to confirm the nomination of Lawrence
23 K. Marks as a judge of the Court of Claims.
24 All in favor signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT VALESKY:

3 Opposed, nay.

4 (No response.)

5 ACTING PRESIDENT VALESKY: The
6 motion carries. The nominee is hereby
7 confirmed.

8 Senator Smith.

9 SENATOR SMITH: Yes,
10 Mr. President. Can we now return to the
11 reading of Senate Calendar Number 60, please.

12 ACTING PRESIDENT VALESKY: The
13 Secretary will proceed with the
14 noncontroversial reading of Senate Calendar
15 Number 60.

16 THE SECRETARY: In relation to
17 Calendar Number 107, Senator McDonald moves to
18 discharge, from the Committee on Rules,
19 Assembly Bill Number 4703A and substitute it
20 for the identical Senate Print Number 1757A,
21 Third Reading Calendar 107.

22 ACTING PRESIDENT VALESKY:
23 Substitution ordered.

24 THE SECRETARY: Calendar Number

1 107, by Member of the Assembly Sayward,
2 Assembly Print Number 4703A, an act to
3 authorizing the County of Saratoga.

4 ACTING PRESIDENT VALESKY: There
5 is a home-rule message at the desk.

6 Read the last section.

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

9 ACTING PRESIDENT VALESKY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 57.

13 ACTING PRESIDENT VALESKY: The
14 bill is passed.

15 THE SECRETARY: In relation to
16 Calendar Number 367, Senator Huntley moves to
17 discharge, from the Committee on Rules,
18 Assembly Bill Number 6361C and substitute it
19 for the identical Senate Print Number 2653C,
20 Third Reading Calendar 367.

21 ACTING PRESIDENT VALESKY:
22 Substitution ordered.

23 THE SECRETARY: Calendar Number
24 367, by Member of the Assembly Rivera,

1 Assembly Print Number 6361C, an act to amend
2 the Public Authorities Law.

3 ACTING PRESIDENT VALESKY: Read
4 the last section.

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

7 ACTING PRESIDENT VALESKY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT VALESKY: The
12 bill is passed.

13 THE SECRETARY: In relation to
14 Calendar Number 399, Senator Nozzolio moves to
15 discharge, from the Committee on Rules,
16 Assembly Print Number 7692A and substitute it
17 for the identical Senate Print Number 4201A,
18 Third Reading Calendar 399.

19 ACTING PRESIDENT VALESKY:
20 Substitution ordered.

21 THE SECRETARY: Calendar Number
22 399, by Member of the Assembly Kolb, Assembly
23 Print Number 7692A, an act to amend the
24 Highway Law.

1 ACTING PRESIDENT VALESKY: Read
2 the last section.

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

5 ACTING PRESIDENT VALESKY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 58.

9 ACTING PRESIDENT VALESKY: The
10 bill is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 400, Senator Griffio moves to
13 discharge, from the Committee on Rules,
14 Assembly Bill Number 7740 and substitute it
15 for the identical Senate Print Number 4241,
16 Third Reading Calendar 400.

17 ACTING PRESIDENT VALESKY:
18 Substitution ordered.

19 THE SECRETARY: Calendar Number
20 400, by Member of the Assembly Destito,
21 Assembly Print Number 7740, an act to amend
22 the Highway Law.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

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

3 ACTING PRESIDENT VALESKY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 58.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: In relation to
10 Calendar Number 475, Senator Fuschillo moves
11 to discharge, from the Committee on Rules,
12 Assembly Print Number 220B and substitute it
13 for the identical Senate Print Number 85B,
14 Third Reading Calendar 475.

15 ACTING PRESIDENT VALESKY:
16 Substitution ordered.

17 THE SECRETARY: Calendar Number
18 475, by Member of the Assembly McDonough,
19 Assembly Print Number 220B, an act to adjust
20 certain state aid payments.

21 ACTING PRESIDENT VALESKY: Read
22 the last section.

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

1 ACTING PRESIDENT VALESKY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: In relation to
8 Calendar Number 478, Senator Little moves to
9 discharge, from the Committee on Finance,
10 Assembly Print Number 2956 and substitute it
11 for the identical Senate Print Number 1032,
12 Third Reading Calendar 478.

13 ACTING PRESIDENT VALESKY:
14 Substitution ordered.

15 THE SECRETARY: Calendar Number
16 478, by Member of the Assembly Sayward,
17 Assembly Print Number 2956, an act to amend
18 the Executive Law.

19 ACTING PRESIDENT VALESKY: Read
20 the last section.

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

23 ACTING PRESIDENT VALESKY: Call
24 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: In relation to
6 Calendar Number 479, Senator Griffo moves to
7 discharge, from the Committee on Rules,
8 Assembly Print Number 3941A and substitute it
9 for the identical Senate Print Number 1148A,
10 Third Reading Calendar 479.

11 ACTING PRESIDENT VALESKY:
12 Substitution ordered.

13 THE SECRETARY: Calendar Number
14 479, by Member of the Assembly Scozzafava,
15 Assembly Print Number 3941A, an act to amend
16 the Executive Law.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

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

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 58.

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: In relation to
4 Calendar Number 501, Senator Young moves to
5 discharge, from the Committee on Rules,
6 Assembly Print Number 8146 and substitute it
7 for the identical Senate Print Number 4804,
8 Third Reading Calendar 501.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered.

11 THE SECRETARY: Calendar Number
12 501, by Member of the Assembly Giglio,
13 Assembly Print Number 8146, an act to
14 authorize.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 58.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

1 THE SECRETARY: In relation to
2 Calendar Number 502, Senator Young moves to
3 discharge, from the Committee on Rules,
4 Assembly Print Number 7989A and substitute it
5 for the identical Senate Print Number 4805A,
6 Third Reading Calendar 502.

7 ACTING PRESIDENT VALESKY:
8 Substitution order.

9 THE SECRETARY: Calendar Number
10 502, by Member of the Assembly Parment,
11 Assembly Print Number 7989A, an act to
12 authorize.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 58.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 THE SECRETARY: In relation to
24 Calendar Number 503, Senator Young moves to

1 discharge, from the Committee on Rules,
2 Assembly Print Number 7933 and substitute it
3 for the identical Senate Print Number 4836,
4 Third Reading Calendar 503.

5 ACTING PRESIDENT VALESKY:
6 Substitution ordered.

7 THE SECRETARY: Calendar Number
8 503, by Member of the Assembly Burling,
9 Assembly Print Number 7933, an act to
10 legalize, validate, ratify and confirm.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 58.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: In relation to
22 Calendar Number 504, Senator Valesky moves to
23 discharge, from the Committee on Rules,
24 Assembly Print Number 8056 and substitute it

1 for the identical Senate Print Number 4880,
2 Third Reading Calendar 504.

3 ACTING PRESIDENT VALESKY:
4 Substitution ordered.

5 THE SECRETARY: Calendar Number
6 504, by Member of the Assembly Stirpe,
7 Assembly Print Number 8056, an act to amend
8 the Executive Law.

9 ACTING PRESIDENT VALESKY: Read
10 the last section.

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

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 58.

17 ACTING PRESIDENT VALESKY: The
18 bill is passed.

19 THE SECRETARY: In relation to
20 Calendar Number 529, Senator Breslin moves to
21 discharge, from the Committee on Rules,
22 Assembly Print Number 8355 and substitute it
23 for the identical Senate Print Number 5554,
24 Third Reading Calendar 529.

1 ACTING PRESIDENT VALESKY:
2 Substitution ordered.

3 THE SECRETARY: Calendar Number
4 529, by Member of the Assembly McEneny,
5 Assembly Print Number 8355, an act to amend
6 the Judiciary Law.

7 ACTING PRESIDENT VALESKY: Read
8 the last section.

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

11 ACTING PRESIDENT VALESKY: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 58.

15 ACTING PRESIDENT VALESKY: The
16 bill is passed.

17 THE SECRETARY: In relation to
18 Calendar Number 543, Senator Valesky moves to
19 discharge, from the Committee on Rules,
20 Assembly Print Number 6417 and substitute it
21 for the identical Senate Print Number 2610,
22 Third Reading Calendar 543.

23 ACTING PRESIDENT VALESKY:
24 Substitution ordered.

1 THE SECRETARY: Calendar Number
2 543, by Member of the Assembly Stirpe,
3 Assembly Print Number 6417, an act to amend
4 the Public Authorities Law.

5 ACTING PRESIDENT VALESKY: Read
6 the last section.

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

9 ACTING PRESIDENT VALESKY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 58.

13 ACTING PRESIDENT VALESKY: The
14 bill is passed.

15 THE SECRETARY: In relation to
16 Calendar Number 548, Senator Stachowski moves
17 to discharge, from the Committee on Racing,
18 Gaming and Wagering, Assembly Print Number
19 4749 and substitute it for the identical
20 Senate Print Number 3452, Third Reading
21 Calendar 548.

22 ACTING PRESIDENT VALESKY:
23 Substitution ordered.

24 THE SECRETARY: Calendar Number

1 548, by Member of the Assembly Pretlow,
2 Assembly Print Number 4749, an act to amend
3 the Racing, Pari-Mutuel Wagering and Breeding
4 Law.

5 ACTING PRESIDENT VALESKY: Read
6 the last section.

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

9 ACTING PRESIDENT VALESKY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 58.

13 ACTING PRESIDENT VALESKY: The
14 bill is passed.

15 THE SECRETARY: In relation to
16 Calendar Number 601, Senator Griffio moves to
17 discharge, from the Committee on Rules,
18 Assembly Print Number 8252A and substitute it
19 for the identical Senate Print Number 5467A,
20 Third Reading Calendar 601.

21 ACTING PRESIDENT VALESKY:
22 Substitution ordered.

23 THE SECRETARY: Calendar Number
24 601, by Member of the Assembly Townsend,

1 Assembly Print Number 8252A, an act to amend
2 the Highway Law.

3 ACTING PRESIDENT VALESKY: Read
4 the last section.

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

7 ACTING PRESIDENT VALESKY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT VALESKY: The
12 bill is passed.

13 THE SECRETARY: In relation to
14 Calendar Number 612, Senator Morahan moves to
15 discharge, from the Committee on Rules,
16 Assembly Print Number 2684A and substitute it
17 for the identical Senate Print Number 5156A,
18 Third Reading Calendar 612.

19 ACTING PRESIDENT VALESKY:
20 Substitution ordered.

21 THE SECRETARY: Calendar Number
22 612, by Member of the Assembly Rabbitt,
23 Assembly Print Number 2684A, an act to amend
24 Chapter 577 of the Laws of 2006.

1 ACTING PRESIDENT VALESKY: Read
2 the last section.

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

5 ACTING PRESIDENT VALESKY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 58.

9 ACTING PRESIDENT VALESKY: The
10 bill is passed.

11 THE SECRETARY: In relation to
12 Calendar Number 617, Senator Lanza moves to
13 discharge, from the Committee on Rules,
14 Assembly Print Number 8007A and substitute it
15 for the identical Senate Print Number 4468A,
16 Third Reading Calendar 617.

17 ACTING PRESIDENT VALESKY:
18 Substitution ordered.

19 THE SECRETARY: Calendar Number
20 617, by Member of the Assembly Cusick,
21 Assembly Print Number 8007A, an act
22 authorizing the City of New York.

23 ACTING PRESIDENT VALESKY: There
24 is a home-rule message at the desk.

1 Read the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 58.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

10 THE SECRETARY: In relation to
11 Calendar Number 637, Senator Stachowski moves
12 to discharge, from the Committee on Rules,
13 Assembly Print Number 8310A and substitute it
14 for the identical Senate Print Number 2860C,
15 Third Reading Calendar 637.

16 ACTING PRESIDENT VALESKY:
17 Substitution ordered.

18 THE SECRETARY: Calendar Number
19 637, by Member of the Assembly Pretlow,
20 Assembly Print Number 8310A, an act to amend
21 the Racing, Pari-Mutuel Wagering and Breeding
22 Law.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

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

3 ACTING PRESIDENT VALESKY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 58.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: In relation to
10 Calendar Number 642, Senator Klein moves to
11 discharge, from the Committee on Local
12 Government, Assembly Print Number 4617 and
13 substitute it for the identical Senate Print
14 Number 5393, Third Reading Calendar 642.

15 ACTING PRESIDENT VALESKY:
16 Substitution ordered.

17 THE SECRETARY: Calendar Number
18 642, by Member of the Assembly Paulin,
19 Assembly Print Number 4617, an act to amend
20 the Local Finance Law.

21 ACTING PRESIDENT VALESKY: There
22 is a home-rule message at the desk.

23 Read the last section.

24 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 58.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 715, by Member of the Assembly --

10 SENATOR KLEIN: Lay the bill
11 aside for the day.

12 ACTING PRESIDENT VALESKY: The
13 bill is laid aside for the day.

14 Senator Smith, that completes the
15 noncontroversial reading of the active bills
16 on Senate Calendar Number 60.

17 SENATOR SMITH: Yes, thank you
18 very much, Mr. President.

19 I ask that we will have the Senate
20 stand at ease, and we will have a Rules
21 Committee meeting at 1:15 in Room 332.

22 ACTING PRESIDENT VALESKY:
23 Meeting of the Senate Committee on Rules in
24 Room 332 at 1:15.

1 The Senate will stand at ease.

2 (Whereupon, the Senate stood at
3 ease at 12:47 a.m.)

4 (Whereupon, the Senate reconvened
5 at 3:00 a.m.)

6 ACTING PRESIDENT VALESKY: The
7 Senate will return to order.

8 Senator Smith.

9 SENATOR SMITH: Yes,
10 Mr. President. Could you please take up
11 Senate Resolution 2775. And I ask that the
12 title be read and move for its immediate
13 adoption.

14 ACTING PRESIDENT VALESKY: The
15 Secretary will read.

16 THE SECRETARY: By Senator Smith,
17 Concurrent Resolution of the Senate and
18 Assembly Number 2775, amending the Permanent
19 Joint Rules of the Senate and Assembly, in
20 relation to convening a bipartisan, bicameral
21 joint advisory board to oversee broadcast of
22 New York State government proceedings.

23 ACTING PRESIDENT VALESKY: All in
24 favor of adopting the resolution signify by

1 saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT VALESKY:

4 Opposed, nay.

5 (No response.)

6 ACTING PRESIDENT VALESKY: The
7 resolution is adopted.

8 Senator Smith.

9 SENATOR SMITH: Thank you,
10 Mr. President.

11 Would you please take up Senate
12 Resolution 2843. I ask that the title be read
13 and move for its immediate adoption.

14 ACTING PRESIDENT VALESKY: The
15 Secretary will read.

16 THE SECRETARY: By Senators Smith
17 and Valesky, Senate Resolution Number 2843,
18 providing for the continuation of the
19 Temporary Committee on Rules and
20 Administration Reform and directing it to
21 develop and submit to the Senate a proposal
22 for consolidation of Standing Committees and
23 guidelines for committee reports no later than
24 December 1, 2009.

1 ACTING PRESIDENT VALESKY: All in
2 favor of adopting the resolution signify by
3 saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT VALESKY:
6 Opposed, nay.

7 (No response.)

8 ACTING PRESIDENT VALESKY: The
9 resolution is adopted.
10 Senator Smith.

11 SENATOR SMITH: Thank you again,
12 Mr. President.

13 I now ask that you will take up
14 Resolution 2844, from the Senate, and I ask
15 that its title be read and move for its
16 immediate adoption.

17 ACTING PRESIDENT VALESKY: The
18 Secretary will read.

19 THE SECRETARY: By Senators Smith
20 and Valesky, Senate Resolution Number 2844,
21 amending the rules of the Senate for the years
22 2009-2010.

23 ACTING PRESIDENT VALESKY: Are
24 there any Senators who wish to be heard on the

1 resolution?

2 Senator Smith.

3 SENATOR SMITH: Yes, thank you
4 very much, Mr. President.

5 Colleagues, six months ago the
6 people of the State of New York basically
7 elected a Senate majority of Democrats for the
8 first time in 40 years.

9 Over the last 12 or 13 years there
10 has been a number of colleagues in this
11 chamber who have continually fought for
12 reforms of the rules by which this body was
13 governed. We have heard from organizations
14 such as the Brennan Center for Justice, who
15 has basically labeled New York State very
16 broken, dysfunctional. We also had an
17 organization called "Reform for New York,"
18 another report by the Brennan Center, that
19 talked about unfinished business.

20 Today, this Resolution 2844 makes a
21 very historical journey for us as colleagues
22 in terms of how we will reform the business
23 that's conducted in this house, how members
24 are treated as rank-and-file members, how

1 committees will function, how this body will
2 not only recognize rank-and-file members as
3 members with the authority to function as
4 Senators, but the people of the State of
5 New York for the first time will be able to
6 rely on and to get the necessary responses and
7 adequate services from each one of their
8 members.

9 This particular report, which was
10 put together and drafted by a number of
11 members, was basically channeled by a
12 committee that was put together, a rules
13 reform committee, back several months ago that
14 Senator Bonacic and Senator Valesky, the
15 presiding officer there, chaired. A number of
16 members were involved with that committee. It
17 was a breakthrough committee that put together
18 a number of rules reforms that we are taking
19 up in this particular resolution.

20 The Senate as people know it in the
21 State of New York will never be the same
22 again.

23 A number of our colleagues have
24 been involved with these rules reform changes.

1 Senator Klein has been very much involved,
2 Senator Liz Krueger, Senator Schneiderman. Of
3 course we have Senator John Sampson, our
4 conference leader. There's been a number of
5 members who have continually advocated for
6 change -- Senator Squadron. And I would
7 daresay every single member in this chamber
8 has looked forward to this day.

9 Our reporters, news reporters, all
10 of which from time to time continuously ask
11 for reform, well, today, at 3:00 a.m. in the
12 morning on Thursday, July 15, 2009, we have
13 reached a milestone for the New York State
14 Senate. This will be the day, this will be
15 the time that it is recorded that promises
16 were kept, that reform has happened in the
17 State Senate of New York, and that no longer
18 will organizations like the Brennan Center,
19 nor other editorial boards, be able to polish
20 the name of New York State Senate by the color
21 of being dysfunctional. We will put that to
22 rest today, this morning.

23 I want to thank our colleagues, in
24 particular in the Democratic conference, who

1 fought for so many years to be able to have a
2 voice that is heard.

3 I want to thank my colleagues on
4 the other side of the aisle for being patient,
5 yet and still understanding that all that
6 they've heard over the last 12 to 15 years was
7 something that they recognized over the last
8 six months is the change that needs to happen.

9 This resolution is the birth of the
10 62 members of this body. And I think the
11 child that is born as of today is one that is
12 going to grow up, one that will become quite
13 famous in their own right, one that will be
14 able to make change not only on behalf of this
15 the chamber but on behalf of the 19.5 million
16 other people in the State of New York.

17 Mr. President, this is a great day
18 for so many people in the State of New York.
19 It's a great day for our body. And I want to
20 thank all of our colleagues for such great
21 work, time, and effort; the staff as well.
22 Though the hour is early on this Thursday
23 morning, this will be a day that will go down
24 in history for the State of New York.

1 Thank you.

2 ACTING PRESIDENT VALESKY: Thank
3 you, Senator Smith.

4 Senator Skelos, on the resolution.

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

7 Certainly I rise in support of this
8 resolution. And it was a long time coming.
9 And if I could give my own thoughts on it, the
10 move towards these historic reforms, in my
11 opinion, began on June 8th. It began on
12 June 8th when a coalition was formed at that
13 time that said no longer can the Senate
14 operate the way it has, whether under
15 Republican control or under the first six
16 months of Democrat control here in the State
17 Senate.

18 I think the 30 members here and two
19 members, Senator Monserrate and Senator
20 Espada, at that time said it was time for
21 change, it was time to change the way the
22 Senate has operated in really not respecting
23 the rights of individual members to represent
24 their constituents the way we all should be

1 able to represent our constituents.

2 The deeds of the past, whether it
3 was under Republican or Democrat control, in
4 my opinion and my hope is that they are the
5 ways of the past. And that with these
6 reforms, many of which were actually enacted
7 on June 8th, these rules reforms, that we
8 continue to not only observe them in the
9 future but also try to even enhance and
10 improve them.

11 So I'm delighted on behalf of my 30
12 Republican -- 29 and myself -- 30 Republican
13 colleagues, that we're delighted that on
14 June 8th, that was the motivating factor. And
15 the weeks that followed that, when sometimes
16 the public will not totally understand what
17 occurred -- but look right now on the reforms
18 that we're passing, the way members will be
19 treated.

20 And even more important, with the
21 proper resources going to individual members,
22 our constituents will be treated fairly
23 throughout the State of New York. It doesn't
24 matter whether it's a Republican or a

1 Democrat, upstate or New York City, all the
2 members will now have the resources to be able
3 to represent their constituents in an
4 appropriate way.

5 So, Mr. President, certainly I
6 support this resolution.

7 ACTING PRESIDENT VALESKY: Thank
8 you, Senator Skelos.

9 Senator Bonacic, on the resolution.

10 SENATOR BONACIC: Thank you,
11 Mr. President.

12 I rise first of all to thank all my
13 colleagues for supporting this resolution. I
14 want to thank particularly Senator Winner,
15 Senator Griffo, their hard work, and the
16 members of the reform committee.

17 But rather than name names, there
18 are many silent elected officials on both
19 sides of the aisle that believe in changing
20 the culture of Albany and empowering members.

21 And I want to thank Senator Skelos
22 for allowing this to go forward, and Senator
23 Malcolm Smith.

24 I'd just like to -- I know it's

1 late, I'm not going to speak long. But this
2 is a blueprint. Reform does not happen
3 because we adopted a resolution. It's going
4 to be a work in progress. And it's going to
5 have to depend on the goodwill of the men and
6 women in this room to see how it's implemented
7 next year, to make it a model for which we all
8 can be proud of that will, in my mind, start
9 to resurrect the reputation of this Senate
10 that has been damaged badly.

11 So today is a historic day, but
12 it's only a beginning. And I'm going to
13 continue to look for bipartisan support of the
14 good men and women we have in this chamber to
15 get this thing done the right way. And it
16 will put pressure on the other house. And I
17 hope the good government groups and the press
18 talk about this resolution that's been over
19 40 years waiting for.

20 So I thank you all for tonight.

21 Thank you, Mr. President.

22 ACTING PRESIDENT VALESKY: Thank
23 you, Senator Bonacic.

24 Senator Robach, on the resolution.

1 SENATOR ROBACH: Yes, the hour is
2 late. I too will appreciate the efforts of
3 everyone that made this happen.

4 And this is substantial changes
5 that certainly will be good, as my colleagues
6 have said before. Certainly putting the term
7 limit on leadership and committee chairs,
8 very, very important, I feel, to ending what
9 the public's talked about a lot, the
10 superpower of small individuals. The concept
11 of three men in a room, I think we all agree
12 time to change that -- and we did.

13 The equal resource part is
14 important. I may be one of the few people in
15 here who has experienced that in my days in
16 the Assembly when we all in the same party
17 wanted to change leadership, felt we had
18 agreement that didn't work out. That
19 individual was able to fire staff, take away
20 everything from chairmanships to paper
21 clips -- no mail -- and even personal income
22 from a member who didn't agree with them.

23 I think every one of us should
24 never have to experience that, nor our

1 constituents who suffer from that when that
2 superpower exists. We changed that today with
3 a little bit more equal resources for every
4 individual.

5 And lastly -- and I could talk
6 about this for a long time, but the hour is
7 late -- the procedural motions to get more
8 things aired is a good one. People should get
9 an airing of their issue. And there's nowhere
10 where it's printed that because a bill comes
11 out, it absolutely has to pass. Yet that's
12 what we've always operated under. That will
13 change today.

14 This is big. This is historic. I
15 agree it really, really will change the
16 culture here. And I hope it really will
17 spread to the other house as well.

18 The public, now more than any time
19 before, is watching. And I think they're
20 starting to get a little bit of what the
21 trouble is. Because every one of them will
22 stay, "I like my person, and I think they try
23 and stand up but they can't, it's those
24 leaders or those guys in Albany." Hopefully

1 this really, really will change it. And as my
2 colleague says, John Bonacic, maybe even have
3 us work together to even make more changes
4 that will open it up, make it more transparent
5 and small "D" democratic.

6 So I'm very happy to support this
7 measure.

8 ACTING PRESIDENT VALESKY: Thank
9 you, Senator Robach.

10 Senator Adams, on the resolution.

11 SENATOR ADAMS: Thank you.

12 Someone once said a bend in the
13 road is not the end of the road unless you
14 fail to make the turn.

15 June 8th was the bend in the road.
16 We started on January 7th. That's when we got
17 on the right road moving towards reform.

18 And we cannot become revisionist
19 and attempt to rewrite history. We need to
20 thank people like Liz Krueger, who for years
21 talked about these reforms. And people
22 laughed at you and said it was impossible, but
23 you did it.

24 Eric Schneiderman, who people

1 constantly criticized and stated that he was
2 the enemy of the people, but now everyone is
3 on board. Anyone can rewrite history, but
4 reality states you were here long before that.

5 The person who led our call, Dave
6 Valesky, and others -- and some great people
7 on the other side of the aisle, say what you
8 want: Lanza, Leibell, Bonacic. Countless
9 number of people.

10 Even when we were going through our
11 periods of pain in the last 30 days, the
12 public needs to know we were still talking and
13 communicating with each other, trying to find
14 a solution to how to fix the Senate.

15 So everyone may want to join in
16 now, but the reality is individuals like you,
17 David, made sure that the beginning of the
18 process that took place on January 7th when we
19 saw Malcolm Smith become the Majority
20 Leader -- we may have hit a bend in the road,
21 but it was not the end in the road, because we
22 made the turn and now we're here to celebrate
23 that together.

24 The success started when we decided

1 as a party to become members of the Senate and
2 the Majority Leader put us in the right
3 direction. And I thank you and others who
4 have been long servants of dealing with the
5 term reform, and we're finally there.

6 Thank you.

7 ACTING PRESIDENT VALESKY: Thank
8 you, Senator Adams.

9 Are there any other Senators who
10 wish to be heard?

11 Senator Liz Krueger.

12 SENATOR LIZ KRUEGER: Thank you
13 very much.

14 Well, it's 3:00 in the morning --
15 excuse me, 3:10 in the morning. And thank
16 you, Senator Adams. When I joined the
17 New York State Senate in a special election in
18 February 2002, within the first five months I
19 wrote a report about 34 recommended reforms
20 for New York State Senate to reinvigorate
21 democracy.

22 And it is 3:10 in the morning in
23 mid-July in 2009. But yes, I think we all can
24 be proud of what we've done here tonight. And

1 Senator Bonacic said it took 40 years, but
2 here we are on this road.

3 And now I think the challenge for
4 all of us is to uphold the agreement that
5 we've made tonight and the rules that we've
6 put into place. Because I think now the
7 public will be expecting us to do what is the
8 right thing. We got this far; we all need to
9 read those rules and figure out how we're
10 going to incorporate them into a change in how
11 we operate. I think it will affect every part
12 of our lives as Senators.

13 And as I said to my colleagues
14 earlier tonight when we were discussing these
15 in conference, I think it will make things
16 harder, but I think we will all be better
17 Senators because of it. And we will be a
18 better Senate, and we will deliver better laws
19 for the people of New York State.

20 So I am very pleased to be here
21 among you at 3:10 in the morning supporting
22 these changes in our rules. Thank you very
23 much.

24 ACTING PRESIDENT VALESKY: Thank

1 you, Senator Krueger.

2 Senator Schneiderman, on the
3 resolution.

4 SENATOR SCHNEIDERMAN: Thank you.

5 I appreciate the opportunity for us to be
6 here, however late it is, and coming back to
7 the way Senator Smith started us.

8 This is an extraordinary moment,
9 and I would just like to say to all of my
10 colleagues on both sides of the aisle, this
11 has been a rough process to get here. We all
12 know that.

13 I do feel that this is a process
14 that reflects a long historical trend. And
15 many of you know the houses of the Legislature
16 in New York were a little -- there was a
17 little less autocracy 30, 40, 50 years ago.
18 This is not something that's a matter of any
19 individual leader; this is not a matter of
20 party. It happened in both houses. Committee
21 chairs lost power to the central leadership
22 and staff. We were on a bad trend.

23 In this house, our efforts at
24 reform really began -- and we confirmed Rick

1 Dollinger as a judge. I remember when I first
2 got up here, he was always trying to bring
3 these motions to bring reform issues to the
4 floor. And then Senator Krueger, as she
5 noted, issued her report "Waking Up the State
6 Senate," which was -- she was the chair of the
7 Democratic Task Force on Legislative and
8 Budgetary Reform in 2002. In 2004, I released
9 a report called "Albany 101," which
10 popularized this.

11 And then you all remember the
12 report of the Brennan Center, which
13 essentially blew the whole situation up. And
14 let's all give credit to where credit is due;
15 we were dealing with the consequences of that
16 report for a long time.

17 So this was all stimulated -- and
18 quite honestly, let's not kid ourselves, this
19 became a great campaign theme for us in our
20 efforts to take the majority. And I'm proud
21 to say today, as we stand here, we have been
22 able to remain true to the campaign promise.

23 And I would like to thank my
24 colleagues on the other side of the aisle for

1 helping us to remain true to our campaign
2 promise. So there is shared credit here.

3 But let us not for a moment give
4 into the notion that we cannot change things,
5 that this is a perpetually dysfunctional body.
6 This is a monumental change. This is
7 something that when the members of the other
8 house get up tomorrow morning and read about
9 it -- did anyone ever believe we were going to
10 have something like this happen, and this
11 quickly? This is an extraordinary
12 accomplishment. I hope it will be reported
13 that way.

14 And I share the views of all of my
15 colleagues who have spoken that this is indeed
16 a work in progress. We can do better, we have
17 to move forward and use the new procedural
18 tools we've got to bring more bills to the
19 floor, to have more hearings, to be a more
20 functional, energetic, transparent and small
21 "d" democratic body -- although it hurts me to
22 say small "d." We will be that. We can be
23 that.

24 I look forward to working with all

1 of you, on both sides of the aisle. Thanks to
2 everyone in this room for making this happen.
3 Thanks to our leaders for getting us started
4 with the committee that Senator Valesky and
5 Senator Bonacic chaired. Thanks to a couple
6 of members for giving us a little extra kick
7 maybe when we needed it.

8 And I'm very proud to stand here in
9 support of this resolution. I'm very proud to
10 be a member, with all of you, of the New York
11 State Senate tonight.

12 ACTING PRESIDENT VALESKY: Thank
13 you, Senator Schneiderman.

14 Are there any other Senators who
15 wish to be heard?

16 Senator Perkins.

17 SENATOR PERKINS: I want to say
18 thank you to those who have gotten us here.
19 This is a great day. It's a time when we can
20 go home for a change and be proud, as opposed
21 to being clowns and dysfunctional and all
22 those other negative terminologies that the
23 press has had a field day using to
24 characterize this work and this august body.

1 It's a bipartisan agreement that
2 suggests that down the road good things are
3 going to be happening for the people that we
4 represent. I want to thank all for what they
5 have done to get us to this point. It's the
6 beginning, I think, of a wonderful, wonderful
7 future for this Senate and for all of us
8 individually and for our communities as well.

9 So thank you all.

10 ACTING PRESIDENT VALESKY: Thank
11 you, Senator Perkins.

12 The question is on the resolution.
13 All in favor signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT VALESKY:
16 Opposed, nay.

17 SENATOR PARKER: Nay.

18 ACTING PRESIDENT VALESKY: The
19 resolution is adopted.

20 Senator Smith, before moving
21 forward with the next resolution, a bit of
22 housekeeping at the desk.

23 In relation to Senate Resolution
24 2775, which was previously adopted, we had not

1 taken up the Assembly substitution. So in
2 that regard, the Secretary will read.

3 THE SECRETARY: The Assembly
4 sends for concurrence Assembly Concurrent
5 Resolution Number 787. Senator Smith moved to
6 substitute Senate Concurrent Resolution
7 Number 2775 for Assembly Concurrent Resolution
8 Number 787.

9 ACTING PRESIDENT VALESKY:
10 Substitution ordered, and the resolution was
11 previously adopted.

12 Senator Smith.

13 SENATOR SMITH: Yes,
14 Mr. President. Could we please take up
15 Resolution 2408. And I ask that the title be
16 read and move for its immediate adoption.

17 ACTING PRESIDENT VALESKY: The
18 Secretary will read.

19 THE SECRETARY: By Senator Smith,
20 Concurrent Resolution Number 2408,
21 establishing a plan setting forth an itemized
22 list of grantees for certain appropriations in
23 the 2009-2010 state fiscal year, as required
24 by subdivision 5 of Section 24 of the State

1 Finance Law.

2 ACTING PRESIDENT VALESKY: The
3 Secretary will call the roll on the
4 resolution.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 58.

7 ACTING PRESIDENT VALESKY: The
8 resolution is adopted.

9 THE SECRETARY: Excuse me. In
10 relation to Concurrent Resolution Number 2408:
11 Ayes, 57. Nays, 1. Senator Ranzenhofer
12 recorded in the negative. Also Senator
13 Little. Also Senator Robach.

14 In relation to Concurrent
15 Resolution Number 2408: Ayes, 55. Nays, 3.
16 Senators Little, Ranzenhofer and Robach
17 recorded in the negative.

18 ACTING PRESIDENT VALESKY: The
19 resolution is adopted.

20 Senator Smith.

21 SENATOR SMITH: Mr. President, at
22 this time can we please take up the report of
23 the Rules Committee which is at the desk.

24 ACTING PRESIDENT VALESKY: The

1 Secretary will read.

2 THE SECRETARY: Senator Smith,
3 from the Committee on Rules, reports the
4 following bills:

5 Senate Print 396, by Senator
6 Breslin, an act to amend the Vehicle and
7 Traffic Law;

8 689, by Senator Young, an act to
9 amend the Town Law;

10 867A, by Senator Seward, an act to
11 authorize;

12 868A, by Senator Young, an act to
13 validate;

14 1001, by Senator Morahan, an act to
15 amend Chapter 218 of the Laws of 2008;

16 1149A, by Senator Larkin, an act to
17 amend the Criminal Procedure Law;

18 1171A, by Senator Farley, an act to
19 authorize;

20 1263B, by Senator C. Johnson, an
21 act to amend the Public Authorities Law;

22 1393, by Senator Serrano, an act to
23 amend the Real Property Tax Law;

24 1566B, by Senator Volker, an act to

1 amend the Real Property Tax Law;

2 1643, by Senator Farley, an act to
3 amend the Town Law;

4 1718A, by Senator LaValle, an act
5 to amend the Criminal Procedure Law;

6 1719A, by Senator LaValle, an act
7 to amend the Criminal Procedure Law;

8 1800, by Senator Little, an act to
9 authorize;

10 1939, by Senator Ranzenhofer, an
11 act to amend the Uniform Justice Court Act;

12 2146A, by Senator Little, an act to
13 amend the Criminal Procedure Law;

14 2232, by Senator Montgomery, an act
15 in relation;

16 2407A, by Senator Flanagan, an act
17 to amend the Criminal Procedure Law.

18 ACTING PRESIDENT VALESKY:
19 Senator Smith.

20 SENATOR SMITH: Yes,
21 Mr. President. I just ask for a moment for my
22 colleagues.

23 Would you please recognize Senator
24 Ruth Hassell-Thompson, please.

1 ACTING PRESIDENT VALESKY:

2 Senator Hassell-Thompson.

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

5 At 11:00 a.m. there is to be a
6 conference of the Majority in Room 332, at
7 11:00 a.m. promptly.

8 ACTING PRESIDENT VALESKY:
9 Majority conference in Room 332 at 11:00 a.m.

10 Senator Griffo.

11 SENATOR GRIFFO: Mr. President, I
12 would like to inform that there will be a
13 meeting of the Republican conference in
14 Room 314 at 11:30 a.m.

15 ACTING PRESIDENT VALESKY: There
16 will be an 11:30 a.m. conference, in Room 314,
17 of the Senate Minority.

18 Senator Smith.

19 SENATOR SMITH: Thank you,
20 Mr. President.

21 Just for the benefit of my
22 colleagues tonight, we will be taking up no
23 more business tonight. We will have session
24 tomorrow at 12:00. But we will continue with

1 the reading of the Rules report.

2 Thank you very much.

3 ACTING PRESIDENT VALESKY: Thank
4 you, Senator Smith.

5 The Secretary will continue with
6 the reading of the Rules report.

7 THE SECRETARY: Senate Print
8 2408D, by Senator Nozzolio, an act to amend
9 the Monroe County Tax Act;

10 Senate Print 2518A, by Senator
11 Flanagan, an act to authorize;

12 2687A, by Senator Nozzolio, an act
13 to adjust;

14 2705A, by Senator Foley, an act in
15 relation;

16 2708, by Senator Fuschillo, an act
17 in relation;

18 2737, by Senator Larkin, an act to
19 direct;

20 2771B, by Senator Breslin, an act
21 authorizing;

22 2799, by Senator Nozzolio, an act
23 to amend;

24 2841B, by Senator Stachowski, an

1 act to legalize;

2 2864A, by Senator Alesi, an act to
3 amend the Navigation Law;

4 2903, by Senator Seward, an act to
5 authorize;

6 2931, by Senator Farley, an act to
7 amend the Town Law;

8 2940, by Senator Marcellino, an act
9 to amend the Criminal Procedure Law;

10 2961, by Senator Valesky, an act to
11 amend;

12 2982, by Senator Nozzolio, an act
13 to amend the Criminal Procedure Law;

14 3270, by Senator Nozzolio, an act
15 to amend the Criminal Procedure Law;

16 3337A, by Senator Volker, an act to
17 amend the Real Property Tax Law;

18 3434A, by Senator Hannon, an act to
19 authorize;

20 3532, by Senator Foley, an act to
21 amend the Public Health Law;

22 3568A, by Senator Skelos, an act to
23 amend the Real Property Tax Law;

24 3613A, by Senator Libous, an act to

1 amend the Town Law;

2 3614, by Senator Libous, an act to
3 amend the Town Law;

4 3631A, by Senator Oppenheimer, an
5 act allowing;

6 3643, by Senator Foley, an act to
7 authorize;

8 3649A, by Senator Marcellino, an
9 act to authorize;

10 3756, by Senator Morahan, an act to
11 authorize;

12 3757, by Senator Morahan, an act to
13 authorize;

14 3758A, by Senator Morahan, an act
15 to authorize;

16 3771, by Senator Winner, an act to
17 amend;

18 3799, by Senator Bonacic, an act to
19 amend;

20 3812A, by Senator Valesky, an act
21 to amend the Vehicle and Traffic Law;

22 3822, by Senator C. Johnson, an act
23 to amend the Real Property Tax Law;

24 4088, by Senator Sampson, an act to

1 amend the Civil Practice Law and Rules;

2 4127, by Senator Winner, an act to
3 amend the Environmental Conservation Law;

4 4207, by Senator McDonald, an act
5 to amend;

6 4304, by Senator Ranzenhofer, an
7 act to amend the Town Law;

8 4392A, by Senator Stewart-Cousins,
9 an act to amend the Vehicle and Traffic Law;

10 4428, by Senator O. Johnson, an act
11 to authorize;

12 4522A, by Senator Maziarz, an act
13 to authorize;

14 4573A, by Senator Nozzolio, an act
15 authorizing;

16 4583, by Senator Parker, an act to
17 amend the Banking Law;

18 4824, by Senator Bonacic, an act to
19 amend;

20 4849A, by Senator O. Johnson, an
21 act to authorize;

22 4862A, by Senator Flanagan, an act
23 in relation to authorizing;

24 4911, by Senator Bonacic, an act to

1 amend the Highway Law;

2 4946, by Senator Oppenheimer, an
3 act to amend the General Municipal Law;

4 4972, by Senator LaValle, an act to
5 authorize;

6 4980A, by Senator Foley, an act in
7 relation;

8 5084, by Senator Leibell, an act to
9 amend the Criminal Procedure Law;

10 5158A, by Senator Morahan, an act
11 to authorize;

12 5302, by Senator Winner, an act to
13 amend the Criminal Procedure Law;

14 5304A, by Senator Winner, an act to
15 authorize;

16 5309A, by Senator Morahan, an act
17 to authorize;

18 5322A, by Senator Morahan, an act
19 to authorize;

20 5331, by Senator Morahan, an act to
21 authorize;

22 5336A, by Senator Morahan, an act
23 to authorize;

24 5337A, by Senator Morahan, an act

1 to authorize;
2 5338A, by Senator Morahan, an act
3 to authorize;
4 5358, by Senator LaValle, an act in
5 relation to authorizing;
6 5362, by Senator Volker, an act to
7 authorize;
8 5397A, by Senator Libous, an act to
9 authorize;
10 5405, by Senator Valesky, an act to
11 amend Chapter 342 of the Laws of 2005;
12 5436A, by Senator Klein, an act to
13 amend the Public Authorities Law;
14 5443A, by Senator Addabbo, an act
15 authorizing;
16 5450, by Senator Duane, an act to
17 amend the New York State Medical Care
18 Facilities Finance Agency Act;
19 5458, by Senator Larkin, an act to
20 authorize;
21 5490, by Senator Libous, an act to
22 authorize;
23 5506A, by Senator DeFrancisco, an
24 act to amend;

1 5541, by Senator Savino, an act to
2 amend the Retirement and Social Security Law;

3 5555, by Senator Farley, an act to
4 amend the Criminal Procedure Law;

5 5556, by Senator Fuschillo, an act
6 relating to;

7 5581, by Senator Libous, an act to
8 authorize;

9 5602, by Senator Larkin, an act to
10 authorize;

11 5654, by Senator McDonald, an act
12 authorizing;

13 5655, by Senator McDonald, an act
14 to legalize;

15 5703, by Senator Larkin, an act to
16 amend the Town Law;

17 5713, by Senator Oppenheimer, an
18 act to amend the County Law;

19 5730, by Senator Oppenheimer, an
20 act to amend the Criminal Procedure Law;

21 5735, by Senator Saland, an act to
22 authorize;

23 5746, by Senator Foley, an act to
24 validate;

1 5749, by Senator Valesky, an act to
2 amend;

3 5762A, by Senator Leibell, an act
4 in relation;

5 5763, by Senator Leibell, an act to
6 authorize;

7 5769A, by Senator Marcellino, an
8 act to amend the Public Authorities Law;

9 5780, by Senator Little, an act to
10 legalize;

11 5810A, by Senator Serrano, an act
12 to amend the Public Authorities Law;

13 5816, by Senator Libous, an act to
14 authorize;

15 5828A, by Senator Bonacic, an act
16 to amend the Tax Law;

17 5830, by Senator Huntley, an act to
18 amend the Public Authorities Law;

19 5840, by Senator Farley, an act to
20 amend;

21 5867A, by Senator Libous, an act in
22 relation;

23 5899, by Senator LaValle, an act to
24 amend;

1 5903, by Senator Morahan, an act to
2 amend the Town Law;

3 5904, by Senator Morahan, an act to
4 authorize;

5 5905, by Senator Morahan, an act to
6 authorize;

7 5948, by Senator Foley, an act to
8 amend the Real Property Tax Law;

9 5951, by Senator Aubertine, an act
10 to legalize;

11 6003A, by Senator Schneiderman, an
12 act to amend the Civil Practice Law and Rules;

13 6057, by Senator Volker, an act to
14 amend the Environmental Conservation Law;

15 6063, by Senator Robach, an act in
16 relation;

17 1107A, by Senator L. Krueger, an
18 act to amend the Public Health Law;

19 2460, by Senator Sampson, an act to
20 amend the Personal Property Law;

21 2813A, by Senator Aubertine, an act
22 to amend the Public Authorities Law;

23 3076A, by Senator Valesky, an act
24 to amend the Economic Development Law;

1 3325B, by Senator Stewart-Cousins,
2 an act to amend the General Municipal Law;

3 3508, by Senator Savino, an act to
4 amend the Public Authorities Law;

5 3527, by Senator Duane, an act to
6 amend the Public Health Law;

7 3866A, by Senator Montgomery, an
8 act to amend the Family Court Act;

9 3879A, by Senator Montgomery, an
10 act to amend the Social Services Law;

11 4589B, by Senator Klein, an act to
12 amend the Public Health Law;

13 4602A, by Senator Breslin, an act
14 to amend the Insurance Law;

15 4944A, by Senator Oppenheimer, an
16 act to amend the Public Health Law;

17 5031A, by Senator Hassell-Thompson,
18 an act to amend the Family Court Act;

19 5446A, by Senator Oppenheimer, an
20 act to amend the Education Law;

21 5448A, by Senator Addabbo, an act
22 to amend the Election Law;

23 5471, by Senator Breslin, an act to
24 amend the Insurance Law;

1 5479, by Senator Klein, an act to
2 amend the Agriculture and Markets Law;

3 5562B, by Senator Huntley, an act
4 to amend the Public Health Law;

5 5586, by Senator Valesky, an act to
6 amend the Tax Law;

7 5577, by Senator Squadron, an act
8 to amend the Alcoholic Beverage Control Law;

9 5639, by Senator Stewart-Cousins,
10 an act to amend the Economic Development Law;

11 5697, by Senator Sampson, an act to
12 amend the Domestic Relations Law;

13 5701, by Senator Schneiderman, an
14 act to amend the Education Law;

15 5766, by Senator Thompson, an act
16 to amend the Environmental Conservation Law;

17 5807A, by Senator Sampson, an act
18 to amend the Uniform City Court Act;

19 5823, by Senator Valesky, an act to
20 amend the Agriculture and Markets Law;

21 5841A, by Senator Klein, an act
22 authorizing;

23 5888, by Senator Aubertine, an act
24 to amend the Public Authorities Law;

1 5914, by Senator Perkins, an act to
2 amend the Alcohol Beverage Control Law;

3 5987, by Senator Sampson, an act to
4 amend the Public Authorities Law;

5 6017, by Senator Valesky, an act to
6 amend the Private Housing Finance Law;

7 6030, by Senator Breslin, an act to
8 amend the Insurance Law;

9 6032, by Senator Aubertine, an act
10 to amend;

11 6034, by Senator Perkins, an act to
12 amend the General Business Law;

13 6037, by Senator Aubertine, an act
14 to amend the Domestic Relations Law;

15 6047, by Senator Thompson, an act
16 to amend the Environmental Conservation Law;

17 6068, by Senator Sampson, an act to
18 amend the Insurance Law;

19 6089, by Senator Thompson, an act
20 to amend the Environmental Conservation Law;

21 Assembly Print Number 3250, by
22 Member of the Assembly Weprin, an act to amend
23 the Public Authorities Law;

24 Senate Print 2289A, by Senator

1 Stachowski, an act to amend the Public
2 Authorities Law;

3 2440, by Senator Stachowski, an act
4 to amend the Real Property Tax Law;

5 2791A, by Senator Stachowski, an
6 act to amend the Executive Law;

7 4192B, by Senator Addabbo, an act
8 to amend the Public Service Law;

9 4435, by Senator Stachowski, an act
10 to amend the Economic Development Law;

11 4841, by Senator Aubertine, an act
12 to amend the Public Service Law;

13 4938, by Senator Huntley, an act to
14 amend the Mental Hygiene Law;

15 5048, by Senator C. Johnson, an act
16 to amend the Executive Law;

17 5396, by Senator Huntley, an act to
18 amend the Executive Law;

19 5472A, by Senator Breslin, an act
20 to amend the Insurance Law;

21 5737, by Senator Klein, an act to
22 amend the Labor Law;

23 And Senate Print 5930A, by Senator
24 Huntley, an act to amend the Mental Hygiene

1 Law.

2 All bills ordered direct to third
3 reading.

4 ACTING PRESIDENT VALESKY:
5 Senator Klein.

6 SENATOR KLEIN: Mr. President,
7 can we move to accept the Rules report.

8 ACTING PRESIDENT VALESKY: All
9 those in favor of adopting the report of the
10 Rules Committee signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT VALESKY:
13 Opposed, nay.

14 (No response.)

15 ACTING PRESIDENT VALESKY: Thank
16 you, Senator Parker.

17 The report of the Rules Committee
18 is adopted.

19 Senator Klein.

20 SENATOR KLEIN: Mr. President, if
21 we can return to motion and resolutions, I
22 have several motions.

23 ACTING PRESIDENT VALESKY:
24 Returning to motions and resolutions.

1 Proceed.

2 SENATOR KLEIN: First, Mr.

3 President, on behalf of Senator Onorato, on
4 page number 9 I offer the following amendments
5 to Calendar Number 163, Senate Print 2768, and
6 ask that said bill retain its place on Third
7 Reading Calendar.

8 ACTING PRESIDENT VALESKY: So
9 ordered.

10 SENATOR KLEIN: The second, on
11 behalf of Senator Foley, I move that the
12 following bills be discharged from their
13 respective committees and be recommitted with
14 instructions to strike the enacting clause:
15 Senate Bill 5733.

16 ACTING PRESIDENT VALESKY: So
17 ordered.

18 SENATOR KLEIN: On behalf of
19 Senator Thompson, I wish to call up Senate
20 Print Number 3781, recalled from the Assembly,
21 which is now at the desk.

22 ACTING PRESIDENT VALESKY: The
23 Secretary will read.

24 THE SECRETARY: Calendar Number

1 174, by Senator Thompson, Senate Print 3781,
2 an act to amend Chapter 122 of the Laws of
3 2000.

4 SENATOR KLEIN: Mr. President, I
5 now move to reconsider the vote by which this
6 bill was passed.

7 ACTING PRESIDENT VALESKY: Call
8 the roll on reconsideration.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT VALESKY: The
12 bill is restored to its place on the Third
13 Reading Calendar.

14 Senator Klein.

15 SENATOR KLEIN: Mr. President, on
16 behalf of Senator Thompson, I wish to call up
17 Senate Print Number 3782, recalled from the
18 Assembly, which is now at the desk.

19 ACTING PRESIDENT VALESKY: The
20 Secretary will read.

21 THE SECRETARY: Calendar Number
22 207, by Senator Thompson, Senate Print 3782,
23 an act to amend the Environmental Conservation
24 Law.

1 SENATOR KLEIN: Mr. President, I
2 now move to reconsider the vote by which this
3 bill was passed.

4 ACTING PRESIDENT VALESKY: Call
5 the roll on reconsideration.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 58.

8 ACTING PRESIDENT VALESKY: The
9 bill is restored to its place on the Third
10 Reading Calendar.

11 Senator Klein.

12 SENATOR KLEIN: Mr. President, is
13 there any further business at the desk?

14 ACTING PRESIDENT VALESKY: There
15 is no further business.

16 SENATOR KLEIN: Mr. President, I
17 move that we adjourn until later today at
18 12:00 o'clock.

19 ACTING PRESIDENT VALESKY: On a
20 motion by Senator Klein, the Senate stands
21 adjourned until Thursday, July 16th, at
22 12:00 noon.

23 (Whereupon, at 3:40 a.m., the
24 Senate adjourned.)