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REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

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

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

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

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

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

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

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

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

Amen.

ACTING PRESIDENT VALESKY: The reading of the Journal.

The Secretary will read.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Senator Klein.

SENATOR SMITH: Mr. President.

ACTING PRESIDENT VALESKY: Senator Smith.

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

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

ACTING PRESIDENT VALESKY: Senator Smith, there is a report of the Judiciary Committee at the desk.

The Secretary will read.

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

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

ACTING PRESIDENT VALESKY:

Senator Sampson.

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

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

ACTING PRESIDENT VALESKY: You may, Senator.

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

ACTING PRESIDENT VALESKY: Thank you, Senator Sampson.

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

SENATOR BRESLIN: Thank you, Mr. President.

It is an honor for me to stand and

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

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Breslin.

Senator Thompson, on the nomination.

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

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

God bless you and God bless your family as well.

ACTING PRESIDENT VALESKY: Thank you, Senator Thompson.

Senator Liz Krueger, on the motion.

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

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

(Laughter.)

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

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

(Laughter.)

SENATOR LIZ KRUEGER: So congratulations.

ACTING PRESIDENT VALESKY: Thank you, Senator Krueger.

Before we continue with Senators

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

The Secretary will read.

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

ACTING PRESIDENT VALESKY: Senator Stachowski, on the motion.

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

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

(Laughter.)

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

but the Governor on a fine choice.

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Stachowski.

Senator Oppenheimer, on the motion.

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

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

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Oppenheimer.

Senator Hassell-Thompson, on the nomination.

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

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

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

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

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

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

And so congratulations to you, Rick, and Godspeed.

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

Senator Schneiderman, on the nomination.

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Schneiderman.

Senator Duane, on the nomination.

SENATOR DUANE: Thank you, Mr. President.

ACTING PRESIDENT VALESKY: You're welcome.

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

(Laughter.)

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

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

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

Congratulations.

ACTING PRESIDENT VALESKY: Thank you, Senator Duane.

Senator Sampson.

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

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

family but to the practice of law.

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

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

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

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Sampson.

Senator Smith.

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

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

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

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Smith.

Are there any other Senators who

wish to be heard on the nomination?

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

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

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

(Standing ovation.)

ACTING PRESIDENT VALESKY: The Secretary will continue to read.

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

ACTING PRESIDENT VALESKY: Senator Sampson.

SENATOR SAMPSON: Thank you, Mr. President.

At this point in time I would like

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

ACTING PRESIDENT VALESKY: Thank you, Senator Sampson.

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

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

Judge Hard is joined in the gallery today by Emil Jarczynski, her friend.

Congratulations; best wishes.

(Applause.)

ACTING PRESIDENT VALESKY: The Secretary will continue to read.

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

ACTING PRESIDENT VALESKY: Senator Sampson.

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Sampson.

Are there any other Senators who wish to be heard?

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The

motion carries. The nominee is hereby confirmed.

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

Congratulations; best wishes.

(Applause.)

ACTING PRESIDENT VALESKY: The Secretary will continue to read.

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

ACTING PRESIDENT VALESKY: Senator Sampson.

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Sampson.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you,

Mr. President.

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

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

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

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

ACTING PRESIDENT VALESKY: Thank

you, Senator Oppenheimer.

Are there any other Senators who wish to be heard?

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

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

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

Congratulations, Judge.

(Applause.)

ACTING PRESIDENT VALESKY: The Secretary will continue to read.

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

ACTING PRESIDENT VALESKY:

Senator Sampson.

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Sampson.

Senator Breslin.

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

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

And I commend Governor Paterson for reappointing him.

ACTING PRESIDENT VALESKY: Thank you, Senator Breslin.

The question is on the motion to

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

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

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

Congratulations, Judge.

(Applause.)

ACTING PRESIDENT VALESKY: The Secretary will continue to read.

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

ACTING PRESIDENT VALESKY: Senator Sampson.

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Sampson.

Are there any Senators who wish to be heard?

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

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

Judge Merchan joins us today in the

gallery with his wife, Lara, and daughter Catalina.

Congratulations, Judge.

(Applause.)

ACTING PRESIDENT VALESKY: The Secretary will continue to read.

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

ACTING PRESIDENT VALESKY: Senator Sampson.

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Sampson.

Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President.

I've had the honor of knowing Judge

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

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

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Ranzenhofer.

Senator Maziarz, on the nomination.

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Maziarz.

Senator Volker.

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

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

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

highly commend him.

ACTING PRESIDENT VALESKY: Thank you, Senator Volker.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

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

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

Judge, congratulations.

(Applause.)

ACTING PRESIDENT VALESKY: The Secretary will continue to read.

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

ACTING PRESIDENT VALESKY:

Senator Sampson.

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

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

Thank you very much, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator.

Senator LaValle.

SENATOR LaVALLE: On the nomination.

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

ACTING PRESIDENT VALESKY: Thank you, Senator LaValle.

Are there any other Senators who wish to be heard?

Seeing none, the question is on the

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

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

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

Judge, congratulations.

(Applause.)

ACTING PRESIDENT VALESKY: The Secretary will continue to read.

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

ACTING PRESIDENT VALESKY: Senator Sampson.

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

I'd like to move forward the

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

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

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Sampson.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

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

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

(Applause.)

ACTING PRESIDENT VALESKY: The Secretary will continue to read.

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

ACTING PRESIDENT VALESKY: Senator Sampson.

SENATOR SAMPSON: Thank you very much.

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

Thank you very much, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Sampson.

Senator Oppenheimer, on the nomination.

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

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

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Thank you very much, Senator Oppenheimer.

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

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

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

nomination.

ACTING PRESIDENT VALESKY: Thank you, Senator Klein.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

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

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

Congratulations, Judge. Best wishes.

(Applause.)

ACTING PRESIDENT VALESKY: The Secretary will continue to read.

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

ACTING PRESIDENT VALESKY:

Senator Sampson.

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

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

ACTING PRESIDENT VALESKY:

Senator Oppenheimer.

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Oppenheimer.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson, before we call the question.

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

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

Thank you, Mr. President.

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

Senator Stewart-Cousins.

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

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

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

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

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

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

service. And thank you, Fran.

Thank you, Mr. President.

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

Are there any other Senators who wish to be heard?

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

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

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

(Applause.)

ACTING PRESIDENT VALESKY: The Secretary will continue to read.

THE SECRETARY: As a judge of the

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

ACTING PRESIDENT VALESKY: Senator Sampson.

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Sampson.

Senator Breslin, on the nomination.

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

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

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

Governor for the appointment.

ACTING PRESIDENT VALESKY: Thank you, Senator Breslin.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

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

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

(Applause.)

ACTING PRESIDENT VALESKY: The Secretary will continue to read.

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

ACTING PRESIDENT VALESKY:

Senator Sampson.

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Sampson.

Are there any Senators who wish to be heard?

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

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

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

Congratulations and best wishes.

(Applause.)

ACTING PRESIDENT VALESKY: The Secretary will continue to read.

Senator Lanza.

SENATOR LANZA: Thank you, Mr. President.

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

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

Mr. Dollinger was confirmed earlier this evening.

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

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

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

ACTING PRESIDENT VALESKY: That's correct.

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

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

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

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

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

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

The Secretary will continue to read.

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

ACTING PRESIDENT VALESKY: Senator Sampson.

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Sampson.

Senator Marcellino, on the nomination.

SENATOR MARCELLINO: Thank you, Senator Sampson.

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

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

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

nomination.

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

ACTING PRESIDENT VALESKY: Thank you, Senator Marcellino.

Senator Craig Johnson, on the nomination.

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

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

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

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

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

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

Thank you very much, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Johnson.

Senator Fuschillo, on the nomination.

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

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

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

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

I proudly second the nomination, Mr. President.

ACTING PRESIDENT VALESKY: Thank

you, Senator Fuschillo.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

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

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

Congratulations and best wishes, Judge.

(Applause.)

ACTING PRESIDENT VALESKY: The Secretary will continue to read.

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

ACTING PRESIDENT VALESKY: Senator Sampson.

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

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

Thank you very much, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Sampson.

Senator Volker, on the nomination.

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

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

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

judicial district be appointed.

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

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

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Volker.

Senator DeFrancisco.

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator DeFrancisco.

Senator Montgomery, on the nomination.

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

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

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

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

But I will vote yes on this nominee.

ACTING PRESIDENT VALESKY: Thank you, Senator Montgomery.

Are there any other Senators who wish to be heard?

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(Response of "Nay.")

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

Senator Smith, that completes the list of judicial nominees.

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

ACTING PRESIDENT VALESKY: The Senate will stand at ease.

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

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

ACTING PRESIDENT VALESKY: Senator Klein.

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

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

hour.

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

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

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

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

ACTING PRESIDENT VALESKY: Senator Smith.

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

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

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

Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

It's my pleasure to nominate, as a

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

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Klein.

The Secretary will read.

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

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

Senator Smith.

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

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution order.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Substitution ordered.

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

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

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

SENATOR KLEIN: Lay the bill aside for the day.

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

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

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

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

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

The Senate will stand at ease.

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

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

ACTING PRESIDENT VALESKY: The Senate will return to order.

Senator Smith.

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

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

saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Smith.

SENATOR SMITH: Thank you, Mr. President.

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Smith.

SENATOR SMITH: Thank you again, Mr. President.

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

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

resolution?

Senator Smith.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Smith.

Senator Skelos, on the resolution.

SENATOR SKELOS: Thank you, Mr. President.

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

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

able to represent our constituents.

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

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

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

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Skelos.

Senator Bonacic, on the resolution.

SENATOR BONACIC: Thank you, Mr. President.

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

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

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

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

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

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

So I thank you all for tonight.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Bonacic.

Senator Robach, on the resolution.

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

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

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

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

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

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

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

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

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

So I'm very happy to support this measure.

ACTING PRESIDENT VALESKY: Thank you, Senator Robach.

Senator Adams, on the resolution.

SENATOR ADAMS: Thank you.

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

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

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

Eric Schneiderman, who people

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

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

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

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

The success started when we decided

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

Thank you.

ACTING PRESIDENT VALESKY: Thank you, Senator Adams.

Are there any other Senators who wish to be heard?

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you very much.

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

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

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

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

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

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

ACTING PRESIDENT VALESKY: Thank

you, Senator Krueger.

Senator Schneiderman, on the resolution.

SENATOR SCHNEIDERMAN: Thank you. I appreciate the opportunity for us to be here, however late it is, and coming back to the way Senator Smith started us.

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

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

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

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

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

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

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

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

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

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

I look forward to working with all

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

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

ACTING PRESIDENT VALESKY: Thank you, Senator Schneiderman.

Are there any other Senators who wish to be heard?

Senator Perkins.

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

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

So thank you all.

ACTING PRESIDENT VALESKY: Thank you, Senator Perkins.

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

SENATOR PARKER: Nay.

ACTING PRESIDENT VALESKY: The resolution is adopted.

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

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

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

THE SECRETARY: The Assembly sends for concurrence Assembly Concurrent Resolution Number 787. Senator Smith moved to substitute Senate Concurrent Resolution Number 2775 for Assembly Concurrent Resolution Number 787.

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

Senator Smith.

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

Finance Law.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The resolution is adopted.

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

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

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Smith.

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

ACTING PRESIDENT VALESKY: The

Secretary will read.

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

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

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

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

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

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

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

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

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

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

1566B, by Senator Volker, an act to

amend the Real Property Tax Law;

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

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

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

1800, by Senator Little, an act to authorize;

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

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

2232, by Senator Montgomery, an act in relation;

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

ACTING PRESIDENT VALESKY: Senator Smith.

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

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

ACTING PRESIDENT VALESKY: Senator Hassell-Thompson.

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

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

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

Senator Griffo.

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

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

Senator Smith.

SENATOR SMITH: Thank you, Mr. President.

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

the reading of the Rules report.

Thank you very much.

ACTING PRESIDENT VALESKY: Thank you, Senator Smith.

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

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

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

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

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

2708, by Senator Fuschillo, an act in relation;

2737, by Senator Larkin, an act to direct;

2771B, by Senator Breslin, an act authorizing;

2799, by Senator Nozzolio, an act to amend;

2841B, by Senator Stachowski, an

act to legalize;

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

2903, by Senator Seward, an act to authorize;

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

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

2961, by Senator Valesky, an act to amend;

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

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

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

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

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

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

3613A, by Senator Libous, an act to

amend the Town Law;

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

3631A, by Senator Oppenheimer, an act allowing;

3643, by Senator Foley, an act to authorize;

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

3756, by Senator Morahan, an act to authorize;

3757, by Senator Morahan, an act to authorize;

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

3771, by Senator Winner, an act to amend;

3799, by Senator Bonacic, an act to amend;

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

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

4088, by Senator Sampson, an act to

amend the Civil Practice Law and Rules;

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

4207, by Senator McDonald, an act to amend;

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

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

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

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

4573A, by Senator Nozzolio, an act authorizing;

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

4824, by Senator Bonacic, an act to amend;

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

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

4911, by Senator Bonacic, an act to

amend the Highway Law;

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

4972, by Senator LaValle, an act to authorize;

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

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

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

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

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

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

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

5331, by Senator Morahan, an act to authorize;

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

5337A, by Senator Morahan, an act

to authorize;

5338A, by Senator Morahan, an act to authorize;

5358, by Senator LaValle, an act in relation to authorizing;

5362, by Senator Volker, an act to authorize;

5397A, by Senator Libous, an act to authorize;

5405, by Senator Valesky, an act to amend Chapter 342 of the Laws of 2005;

5436A, by Senator Klein, an act to amend the Public Authorities Law;

5443A, by Senator Addabbo, an act authorizing;

5450, by Senator Duane, an act to amend the New York State Medical Care Facilities Finance Agency Act;

5458, by Senator Larkin, an act to authorize;

5490, by Senator Libous, an act to authorize;

5506A, by Senator DeFrancisco, an act to amend;

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

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

5556, by Senator Fuschillo, an act relating to;

5581, by Senator Libous, an act to authorize;

5602, by Senator Larkin, an act to authorize;

5654, by Senator McDonald, an act authorizing;

5655, by Senator McDonald, an act to legalize;

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

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

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

5735, by Senator Saland, an act to authorize;

5746, by Senator Foley, an act to validate;

5749, by Senator Valesky, an act to amend;

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

5763, by Senator Leibell, an act to authorize;

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

5780, by Senator Little, an act to legalize;

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

5816, by Senator Libous, an act to authorize;

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

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

5840, by Senator Farley, an act to amend;

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

5899, by Senator LaValle, an act to amend;

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

5904, by Senator Morahan, an act to authorize;

5905, by Senator Morahan, an act to authorize;

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

5951, by Senator Aubertine, an act to legalize;

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

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

6063, by Senator Robach, an act in relation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5841A, by Senator Klein, an act authorizing;

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

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

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

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

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

6032, by Senator Aubertine, an act to amend;

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

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

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

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

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

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

Senate Print 2289A, by Senator

Stachowski, an act to amend the Public Authorities Law;

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

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

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

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

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

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

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

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

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

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

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

Law.

All bills ordered direct to third reading.

ACTING PRESIDENT VALESKY: Senator Klein.

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

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

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: Thank you, Senator Parker.

The report of the Rules Committee is adopted.

Senator Klein.

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

ACTING PRESIDENT VALESKY: Returning to motions and resolutions.

Proceed.

SENATOR KLEIN: First, Mr. President, on behalf of Senator Onorato, on page number 9 I offer the following amendments to Calendar Number 163, Senate Print 2768, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT VALESKY: So ordered.

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

ACTING PRESIDENT VALESKY: So ordered.

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

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: Calendar Number

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

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

ACTING PRESIDENT VALESKY: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

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

Senator Klein.

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

ACTING PRESIDENT VALESKY: The Secretary will read.

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

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

ACTING PRESIDENT VALESKY: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

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

Senator Klein.

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

ACTING PRESIDENT VALESKY: There is no further business.

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

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

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