ALBANY, NEW YORK

May 11, 1993

3:40 p.m.

REGULAR SESSION

ST. GOVERNOR STAN LUNDINE, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: Senate will please come to order. The Senators will please find their places.

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

(Whereupon, the Senate joined in the Pledge of Allegiance to the Flag.)

Please be seated.

In the absence of clergy, may we now bow our heads in a moment of silence.

(Whereupon, there was a moment of silence.)

Secretary will read the Journal.

THE SECRETARY: In Senate, Monday, May 10. The Senate met pursuant to adjournment. Senator Farley in the chair upon designation of the Temporary President. The Journal of Friday, May 7, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Hearing no objection the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The secretary will read.

THE SECRETARY: Senator Stafford from the Committee on Finance reports the following nomination:

Commissioner of Transportation, John C. Egan of Slingerlands.

THE PRESIDENT: Senator Levy.

SENATOR LEVY: Mr. President. It's a genuine honor and privilege to have the opportunity to rise to move the confirmation of the nomination of John Egan to be Commissioner of Transportation for New York State.

I have known John for almost 25 years. I first met him when he served as a principal executive with OGS, and I worked with him when he was the chief executive and commissioner of the Office of General Services.

John Egan has a long and a distinguished and a successful career in

government. He is dedicated; he is hard working; and history shows and tells us that when John Egan heads an agency it runs like a smooth, almost noiseless engine. And given the more than $20 billion-plus transportation financing package that we have just put in place and its cornerstone piece -- its cornerstone jewel, a $9 billion-plus historic state highway and bridge program for construction and for rehabilitation, we need that touch.

I think it's fair to say, Mr. President, that New York State is at a critical juncture. We need a smooth and an experienced hand to administer this $9 billion plan, quickly, efficiently and on time, especially on time to create jobs, promise jobs and promise progress.

John Egan is a problem solver, a consensus builder. His hallmark and tradition has been success, achievements and accomplishments, and I know that he is going to be a successful Commissioner of Transportation.

I congratulate John on his

appointment. I look forward to working with him as all of us do. I commend the Governor on this outstanding appointment, and it's an honor and privilege, Mr. President, to move the confirmation of the nomination of John Egan to be Commissioner of Transportation.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Mr. President. After that very fine delivery from Senator Levy, anything that I could say would add very, very little. I certainly second everything he has said.

I would point out this is the third time the Commissioner has been here being confirmed. He was appointed by Governor Carey to be the OGS Commissioner and then appointed by Governor Cuomo to be OGS Commissioner, and now here with the Department of Transportation Commissioner.

Now, I knew that before his career was over, he'd be in transportation because he had the best homemade soap box derby in Dannemora. We lived on a hill and, by the

way, we lived next door to each other. His radiator was a 25-gallon pail. He had the wheels on it and the seat. And, of course, up in that area of the state, we're always on the cutting edge of development, and this was one of the first soap box derbies that was ever built. In later years, I guess people went -- they had the national championships.

I remember also, as far as transportation was concerned, when he went in the Army he had a red Jeep, and he left that for his brother and I, and we thought it was quite -- we thought we knew everything except we didn't have licenses to drive, so he knew that we probably wouldn't be driving it.

I would point out also he's been a volunteer as far as fire fighting is concerned. He's been quite a -- a real dedicated volunteer fireman. When he was in high school, the Dannemora School, we were on the ground level. Whenever the fire siren would ring, he would jump out the window and go to the fire. That had to be stopped, though, because

the fire siren was ringing too often. Some of his friends were making it possible for him to get out.

I assure you that all of us who have known Jack Egan -- I have known him for over 50 years -- realize the dedication that he has to his work, and I can point out also something that's very interesting. I think it showed that he was going to succeed. He was very involved with on-the-job training before it was popular. He was working in stationary engineer work. And about three houses down, we had an engineer who taught all of us a great deal. But Sam, as we knew him in Dannemora, and all of his colleagues would work with Chief Ruiz and, as I say, today, this is something that's more formal, but he was the type that was involved with education before it was mandatory or, as I say, popular.

Everyone here today is going to say, again, how committed he is, how concerned he is. He is always available, always has a sense of humor. And when he says no to you, you

think he said yes. Then by the time you get home, you realize it was no, but he broke it to you easily.

And on a serious note, Mr. President, in this day and age when we seem to be criticizing everybody -- I know legislators aren't immune, either, but criticizing people who work in government, John Egan, again, exemplifies and is an example of our system, our system supporting and making it work, making everyone available.

As I've said a number of times, we often say, "What can I do?" He went right up through the ranks, I might add, from grade 1 to the top in two departments. So, as I say, it shows in his examples that we do have opportunities. He has taken advantage of them. And, again, he is a real example of the system working.

Thank you, Mr. President.

SENATOR MEGA: Mr. President.

THE PRESIDENT: Senator Mega.

SENATOR MEGA: Mr. President. I

want to second everything that has been said and said so well about John Egan. He is a problem solver, as was indicated. He is dedicated to getting things done and representing that portion of government that he is assigned to at a particular time. I've always found him responsive when I've had a problem, and I'm sure that he's been that way with anyone else who's had a problem where he's had jurisdiction.

So, John, I rise to wish you well and compliment you on being appointed to this very important job, and I perceive you as being the right man at the right place at the right time for the kind of things that have to be done in that area.

So congratulations and good luck.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President. I rise to second the nomination of John Egan.

I don't think anybody in my tenure in the Legislature has served this state any better than John Egan. His reputation as an

administrator is unparalleled, and I'd like to compliment the Governor for this choice in one of the most difficult and challenging departments or agencies that this state has. And believe it or not, we are fortunate and blessed to have somebody who is willing to assume that responsibility. He has served us so well in this state.

And, John, I wish you the best and I look forward to working with you, and I think that everybody in this house is excited and thrilled about this appointment.

THE PRESIDENT: Senator Stachowski.

SENATOR STACHOWSKI: I also rise, Mr. President, to second the nomination of John Egan. John has been a success wherever he's been. It's been a pleasure to work with him. I'm sure that not only are we looking forward, but John is looking forward now to building things instead of prisons. He'll be building roads and bridges, and he's going to enjoy that immensely. It's much more enjoyable than

building prisons with the Dormitory Authority.

But I think that the fact is that John has always been a great manager. I think no place more can we use a good manager at a time like this than in DOT. It will be a pleasure to have someone there that responds to your inquiries at a rapid manner. Whether it's yes or whether it's no, at least you get an answer, and I'm looking forward to having the opportunity to work with John as we turn to some of the less than satisfactory infrastructure in New York and some of the roads that are planned that aren't there yet in reality and make New York State a better place to live and work.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: Yes, Mr. President. My colleagues. I would be an ingrate if I didn't get up and voice my pleasure at seeing John Egan appointed and confirmed for the important position of Commissioner of the Department of Transportation, because John Egan has always been so responsive when I have called

on him.

You know, when we have these confirmations of commissioners, we sometimes get carried away and there is little hyperbole and maybe some exaggeration. You can not exaggerate the service that John Egan has done for the people of the state of New York. He has just been superb.

And I'm so glad my good friend Senator Stafford made a point. It's an important point that John Egan worked his way up through the civil service of this state because it shows the dedicated, competent people that we have. And as Senator Stafford also rightfully pointed out, at the time when there is so much criticism of government and people in government, let us think of John Egan and there are other John Egans in our civil service who work so hard with such dedication and are paid so much less than somebody with John Egan's caliber and competence could get in the private sector, but he has made his life serving the public.

As we all know, we have heads of agencies that say they are not going to do anything and they don't do anything. Then we have heads of agencies who promise and don't do anything. And then we have John Egan who promises and who always delivers.

I'm happy to second his nomination.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: Thank you, Mr. President. It's interesting to see the wide range of comments that are coming out of the membership. It just covers the whole spectrum. And the point you made, Senator Leichter, about originating and developing these fine talents in the service of the public -- civil service. They have been so much maligned and abused; and yet, here we have an outstanding example of service that draws its strength from experience with people.

And who else but an enlightened, ennobled public servant will represent that point of view, the public need and the public

welfare? I don't care how you dress an up and how much you adorn other qualities and professions, but there is always a narrower interest involved. But John Egan -- and I have known him maybe between 30 and 40 years -- he has exemplified this quality, and he has stepped into a number of thorny situations where people advance their point of view and he is available and they have access to him, but it's always an access and an availability that provokes respect.

So if they respect a person, sometimes a decision has to be not to your liking but you respect the process by which he made his judgment, and he is capable of making the tough judgments, and he is capable of doing it in a variety of circumstances, the fact that he is stepping into very, very important shoes.

As Senator Levy has pointed out, this is of vital importance to the people of this state, and it's very easy to get into considerations of conflict. But when we know that the person is honest, that he has the total

good of the people of this state and the welfare of this state, it is certainly -- to those of us who are here in the business of addressing those needs, it gives us added confidence and satisfaction to know that in the discharge of these delicate responsibilities John Egan will be there at the helm making the tough decisions, the right decisions and, in any event, those decisions that spring from his own logic and the wide disciplines that he has served and his honest and conscientious judgment.

So I wish you well, John, and I know that -- I don't know you as long as -- he called you Jack. I know you as John. But, in any event, under either guise, you certainly have our affection and respect and certainly our support in the endeavors which you are undertaking.

THE PRESIDENT: Senator Masiello.

SENATOR MASIELLO: Thank you, Mr. President. I, too, would like to second the nomination of John Egan.

John, obviously, without being redundant, I just want to say that I congratulate you. I'm looking forward to working with you. You have been a terrific public servant to not only this Legislature but the people of the state of New York.

You are always there willing and able to try to solve problems. You are accessible. You're professional. You like to work with people and it shows. It shows in your personality, and it shows in the results that you accomplish.

And I want to thank you for everything you've done for the people in Buffalo and Western New York, and I look forward to working with you in your new capacity to be an excellent public servant for them and for the entire state of New York.

And with that, I want to thank you for everything you have done and congratulate you and look forward to working with you for a better New York State.

Thank you.

THE PRESIDENT: Senator Nolan.

SENATOR NOLAN: Mr. President. John, I don't know I've been in -- this is my tenth term in the Senate, and it seems every time I turn around that one governor or another is calling upon you to perform some Herculean, outstanding task. When there is a problem some place, whether it was Governor Carey or whether it's Governor Cuomo, calls on John Egan to solve the problem. No matter what agency it is, John can be depended upon to make sure that he makes the chief executive look good at whatever task he is performing.

John, of course, is obviously a resident of my district. More importantly, he is my friend, and that to go through a litany of things that John Egan has done for the people of this state has already been said. John started at the lowest level. As other people have pointed out, he has gone on to great heights.

And all I can say, John, is thank you on behalf of the people in my district in Albany County and on behalf of the people of

this great state for all of the great things that you have done, for all of the dedicated public service that you have given, and we'll certainly look forward to working with you over the next several years in your new position.

So, John, again, welcome to the Senate and keep up the good work.

THE PRESIDENT: Senator Galiber.

SENATOR GALIBER: Thank you, Mr. President. Every now and then in government some very good things happen, and it's the sense of this body that if we were to take a vote now, for the first time in a long while, John, we would be unanimous in your confirmation. That's rare in this body.

I have been privileged to know John Egan for so many, many good years, and those have been good years. John, all the good things that have been said about you, I can simply say amen and sit down, because all of them are true.

But from a personal standpoint, I know you have always been available. You have

been a people person. You have been concerned with people throughout the state of New York. It was not just a geographical matter with you, upstate and downstate, but the same engineers that you have given to us in government that have kept you moving in government for so very long has been one of your real assets.

I personally want to thank you that when I came here some 20 years ago concerned about persons who heretofore had been left out of the process that you were one with your commitment to sit down and work out certain matters to see to it that everyone had an equal opportunity. And I want to personally thank you for that.

As you go into DOT with a reputation of excellence and commitment and industry, I say merely that DOT has not been doing what in my judgment they should be doing. There are some of us who have suggested that the middle management people, whether it be DOT or some place else, are the ones who are calling the shots, those who outlive commissioners and

outlive administrations, but your history in government and your ability to have a hands-on effect on what you have been part of, whether it's OGS or whether it was with the Dormitory Authority, no middlemen, no middlepersons are going to be able to dictate to you a policy as it has happened in the past. An answer will come from you. And as Senator Stafford said, it's always not yes or the one we want to hear, but you have such a pleasant smile when you tell someone that it can't happen.

So I welcome you to the next step in government, and I'm glad that you are going through the same process as another good friend -- and I call you "good friend," who have work ed yourself up through the system. "Work hard, make a success of yourself" that very rarely happens in government, but it's happened in your case and only one other case I can make refer ence to in my tenure here in the Senate, and that's with Bill Hennessy, a good friend of mine, who came up through the ranks and showed us that the system, in fact, does work.

And to you, too, my hat goes off to you and our Governor, who we don't always agree with, but in his wisdom in troubled areas he has sent you and another friend of mine into these departments with a view toward remedying some of the problems.

DOT, as I said -- and I'll end on this note. I'm very happy that you are going into that state agency. There is a lot of help that is needed. There a lot of direction that is needed there. Selling off things in DOT, selling off property in my back yard to privatize it in certain areas, I'm sure you are going to take a hard look at that.

So I'm proud to get up and second the motion for a very good friend of mine and congratulate you for your -- I started to say promotion. I'm not sure whether it's a promotion or not, but for your movement and thank you for your friendship through the years. You have been very good to us.

THE PRESIDENT: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr.

President. I am delighted to rise and second the nomination of Commissioner John Egan for this important position, and I share the enthusiasm that so many of my colleagues have already voiced about working with an individual whose talents we already know, whose professionalism is beyond reproach, and who has one of the very best lines of communication with those of us who are often on the front line.

I am a little bit at a loss, though, to understand a few of my colleagues who made a reference to having been turned down gently by Commissioner Egan in the past, in reference to him saying no with a smile. Maybe I'm just lucky, but I don't remember him ever saying no, and I would just like to continue our relationship that way, John.

I think Commissioner Egan is the right man for the right job at a difficult time. I'm sure he understands, as the rest of us do, that we have a very serious problem with roads and bridges. On a national scale, we are ranked near the bottom. We also have a limited

number of resources. We all realize that we are going to have to tighten our belts and prepare for some hard decisions ahead. We stand ready to work with you, John, on that.

We appreciate the fact that you know the entire state. Sometimes the confirmation process is based upon false hope or assumption or fervent prayer that the person the Governor has sent up is somebody we will be able to work with. In this case, our confirmation powers take on an entirely different meaning because most of us in this chamber have a good, solid, first-hand working relationship with this individual.

Very proud to be supporting you today. Wish you the very best of luck, commissioner.

THE PRESIDENT: Senator Daly.

SENATOR DALY: Mr. President. I can remember very few instances where so many of my colleagues have risen to pay their respects to a person who we were appointing on any given day, and there is little I can add to the

accolades that have already been paid, but I would be remiss, indeed, if I did not stand to personally pay my respect and demonstrate my admiration for a man who I consider a paradigm of the public servants in this state. New York State is lucky to have people like John, and I hope that this meeting today, this confirmation today clearly demonstrates to his family the high regard and great respect in which he is held.

John, we're lucky to have you; we're delighted to have you.

THE PRESIDENT: Senator Oppenheimer.

SENATOR OPPENHEIMER: I would like to 18th the nomination instead of second the nomination of John.

I think it's been said several times, but you are perceived and indeed are by all of us perceived as the quintessential public servant. You have spent years in the field in a variety of roles. I have worked with you as long ago as maybe 15 years ago when I was Mayor

of Mamaroneck. You got the job done then. You get the job done each time. And we are certainly hopeful that the monies that are in the pipeline and waiting to be spent under your watchful eye will be moved ahead, the projects will be advanced, and that we will see you getting the job done for all of us around the state.

And I would just like to add that not only are you a person of competence and skill in moving things along, but you are a person who is very warm and someone that we connect up to as a friend. And your generous spirit and your consideration of each of us is very much appreciated by all of us, and I think that's why we felt so unanimously about you, John. Happy to be here with you.

THE PRESIDENT: Senator Stavisky is recognized. And there will be order in the chamber.

SENATOR STAVISKY: I don't know whether it is in recognition of your pending confirmation that we have former members of the

Senate, former staff members who are here. You didn't need so many troops to lobby in your behalf. You have many friends here among the current composition of the New York State Senate.

I tried to discourage John Egan. I told him about 2,000 bridges, overhead high ways and spans just in the downstate New York area that were in need of inspection and perhaps renovation because of the rust combination which is eating away at the metal and the water that is destroying even the concrete supports, and I couldn't discourage him. He seemed ready to tackle that kind of daunting issue.

I talked about the commuter railroads and the subways, which really ought to be inspected on a regular basis by a statewide agency to make certain that we can avoid mistakes such as the problems that have arisen on some branches of the New York City subway, the subway that goes to Queens. No sooner had we replaced the track than we discovered that the support structure was in need of total

renovation.

So there are many calls upon his services. And in spite of the best shot at discouragement, he said he still wanted to do the job. Why should we stand in his way? We have supported his service in the state in a variety of ways. He's been a commissioner. Then he became executive director. I know you don't want to be known as director. You'd rather be known as commissioner. So if we can restore him to his proper title and rang as a Commissioner of Transportation of the state of New York, we should do it with enthusiasm and unanimity.

THE PRESIDENT: The question occurs on the coronation -- I mean the confirmation.

(Laughter.)

SENATOR GOLD: Mr. President. Point of information. I just had to drive to Syracuse and back. Are we still on Egan?

(Laughter.)

THE PRESIDENT: Yes. The

question occurs on the confirmation of the nominee. All those in favor, aye.

(Response of "Aye.")

Those opposed, nay.

SENATOR MENDEZ: Mr. President.

THE PRESIDENT: Senator Mendez is recognized.

SENATOR MENDEZ: Yes, I couldn't let this go. I thought that I was on the list, when I signal you.

THE PRESIDENT: I should have understood your signal.

(Laughter.)

SENATOR MENDEZ: Yes. Well, anyhow, I really cannot let this go without standing up and also saying some few words on account of the nomination of Commissioner Egan.

I have known the man for many, many years. It is no accident that all my colleagues here have spoken along the lines that we have heard about his competence, about his excellent skills and interpersonal relationships. And, for one, I must say that I

have always been very grateful for his understanding that in the issue of minority hiring and equal opportunity for small businessmen and minority businessmen and women's business, he has been a first, establishing the kind of policy that would ensure that equal opportunity, in fact, do occur for all the residents of the state of New York.

So above everything that has been said about you, John, I just will simply add well-deserved and as a famous phrase in an TV program that I used to watch long, long ago, I would say to you, "John, you're the greatest."

SENATOR GOLD: Mr. President.

THE PRESIDENT: Senator Gold.

SENATOR GOLD: Yes. Can the record just indicate that if former Senator, now Congressman, Ackerman had a vote, he would vote for Commissioner Egan also.

THE PRESIDENT: Unless there is any other Senator who wishes recognition, then the question occurs on the confirmation of the nominee.

All those in favor, aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The ayes have it. The nominee is confirmed.

Congratulations, John.

(Applause.)

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Banking Member of the state Banking Board, Spencer S. Crow of Arkport.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: It's pretty tough to make a confirmation following John Egan, but let me just say Spencer Crow, a nominee for reappointment to our Banking Board, is truly an outstanding person.

When we are talking about the savings institutions or what's now called the community bankers, it's their 100th anniversary,

and we have a number of them with us here today. Spencer Crow is in the gallery. Let me just tell you a little bit about him.

He is president of the Maple City Savings Association. This is a savings and loan, one of the most sound in the country and also a state chartered saving and loan association, which is -- there's not that many of them left in this state, but he has been a hallmark and an example of an outstanding state chartered savings and loan association.

He has also been of great personal help to me as a member of the Banking Board and somebody we should be very proud of. And I commend the Governor for making this outstanding appointment of Spencer Crow to the Banking Board.

And I move his nomination.

THE PRESIDENT: The question occurs on the confirmation of the nominee. All those in favor, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The ayes have it. The nominee is confirmed.

Congratulations, Mr. Crow.

(Applause.)

Secretary will read.

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

Member of the state Board of Parole Leo S. Levy of Albany and Henri C. Raffalli of New Hyde Park.

Member of the Board of Trustees of the State University of New York, Arnold B. Gardner, Esq., of Buffalo and Miles L. Lasser of Jamestown.

Member of the Advisory Board on Public Work, Harold L. Joyce of Albany.

Director of the New York State Environmental Facilities Corporation, Victoria S. Kennedy of Manlius.

Member of the Niagara Frontier State Park, Recreation and Historic Preservation

Commission, George M. Martin, Esq., of Buffalo.

Member of the Board of Directors of the New York Convention Center Operating Corporation, Joseph E. Spinnato of Woodbury.

THE PRESIDENT: The question occurs on the confirmation of the nominees.

All those in favor, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The ayes have it. The nominees are confirmed.

Secretary will read.

THE SECRETARY: Senator Goodman from the Committee on Investigations, Taxation, and Government Operations reports the following Senate bill directly for third reading:

Senate Bill Number 4904, by Senator DeFrancisco and others, an act to amend the Tax Law, in relation to the establishment of a flood victims tax credit for eligible taxpayers in certain counties.

THE PRESIDENT: Without

objection, third reading.

Senator Mega.

SENATOR MEGA: Mr. President. On behalf of Senator Lack, on page 13, I offer the following amendments to Calendar Number 218, Senate Print Number 2342, and ask that said bill retain its place on -

THE PRESIDENT: Without objection, so ordered.

SENATOR MEGA: On behalf of Senator Spano, on page 13, I offer the following amendments to Calendar Number 195, Senate Print Number 1005, and ask that said bill retain its place on Third Reading Calendar.

THE PRESIDENT: Without objection, so ordered.

SENATOR MEGA: Mr. President. Third Reading Calendar -- I don't have page numbers, but Calendar Number 630, Calendar Number 631, Calendar Number 632, and Calendar Number 633, would you place a sponsor star on all those bills.

THE PRESIDENT: The bills are

starred.

Senator Holland.

SENATOR MEGA: And -

THE PRESIDENT: Oh, I'm sorry, Senator Mega.

SENATOR MEGA: I'm sorry. And Calendar Number 637, a sponsor star.

SENATOR FARLEY: That bill is starred.

SENATOR MEGA: Thank you, Mr. President.

THE PRESIDENT: Senator Holland.

SENATOR HOLLAND: Mr. President. Could I ask a sponsor star be placed on Calendar 346 for Senator Skelos, please.

THE PRESIDENT: The bill is starred.

Senator Seward.

SENATOR SEWARD: Yes, Mr. President. I would like to place a sponsor star on Calendar Number 623.

THE PRESIDENT: The bill is starred.

SENATOR SEWARD: Thank you.

THE PRESIDENT: Senator Maltese.

SENATOR MALTESE: Mr. President. I offer the following privileged legislative resolution and ask that its title be read.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By Senator Maltese, Legislative Resolution commemorating the Beatification of Marie Louise Trichet, foundress of the Daughters of Wisdom and in recognition of the 290th Anniversary of the congregation.

THE PRESIDENT: On the resolution. All those in favor, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The ayes have it. The resolution is adopted.

Senator Present.

SENATOR PRESENT: I move we adopt the Resolution Calendar with the exception of

Resolutions 1306 and 1312.

THE PRESIDENT: All those in favor, say aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The ayes have it. The resolutions are adopted.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President. Just one of the resolutions that I would like to have the title read and just be heard on for a moment, Mr. President.

THE PRESIDENT: Which?

SENATOR DOLLINGER: Number 1170. It's the first one on the first page of the Resolution Calendar, if the title could just be read.

(Whereupon, Senator Farley was in the chair.)

ACTING PRESIDENT FARLEY: Secretary will read the title of the resolution.

THE SECRETARY: Legislative

Resolution Number 1170, by Senator Dollinger, calling upon the Federal Emergency Management Agency to provide with dispatch a definition of "flood" for the purpose of resolving the question of wave damage claims under the Federal Flood Program.

ACTING PRESIDENT FARLEY: Senator Dollinger, on the resolution.

SENATOR DOLLINGER: Yes, Mr. President. This is what I think is a critical issue in the days of high water. Those of us who have districts that abut either Lake Ontario and the Finger Lakes recognize that that high water has caused a severe problem for our constituents.

But it's not just the issue of the high water. It's the issue of what happens when there is wave damage and a wind storm that stirs up the water and causes additional damage as a consequence of the wave action itself.

There has been, Mr. President, a controversy under the Federal Emergency Managements Agency's Flood Insurance Program,

because in the past, the Flood Insurance Program has not covered wave damage. We have a number of pronouncements from FEMA which suggest that wave damage should be covered but, frankly, we've never had a definitive opinion. The lack of a definitive opinion has created a great deal of uncertainty among the insurance agents and among the residents who abut these lakes. The insurance agents aren't sure they can sell a policy that will have covered wave damage, and constituents and residents are unwilling to buy the policies because they can't get a guarantee that wave damage is covered from the agent that's selling it.

So we think it's critical that FEMA, the Federal Emergency Management Agency, issue a definitive rule that will hold that wave damage caused in periods of high water is a covered loss under the policy and that the consumer and the constituent that lives abutting the lakes will be able to recover for the damage.

I would just point out, Mr.

President, that this same program or a relatively comparable program was in effect in 1973 during the last period of high water in Lake Ontario. Many policies were sold. Many policies were attached by banks as part of mortgage requirements. And, yet, when all the claims were filed, they were rejected and the federal government held at that time that wave damage -- or excuse me. The insurance companies determined that the wave damage was not covered.

So what we hope to do here is to bypass that log jam and eliminate the uncertain ty and the confusion that seems to be a part of the Federal Emergency Federal Management's wave flood control problem, and it's my hope that we would unanimously send to them a resolution asking for this clarification because it will be critical to our constituents so that they can recover for wave damage caused by the storms in high water periods.

I would simply point out, Mr. President, and offer to any of my colleagues, and I know many of them do represent

constituencies that abut both lakes and other bodies of water that are affected by the high water conditions in western New York.

If anyone would like to join me as a co-sponsor on this resolution, Mr. President, I'd invite that, through you.

ACTING PRESIDENT FARLEY: Thank you. The resolution is open to anybody. Please inform the desk if you wish to be a co-sponsor.

Senator Present.

SENATOR PRESENT: Mr. President, would you recognize Senator Holland, please.

ACTING PRESIDENT FARLEY: Senator Holland.

SENATOR HOLLAND: Mr. President, I have a privileged resolution at the desk, and I ask that most of it be read.

ACTING PRESIDENT FARLEY: Secretary will read it, the privileged resolution.

THE SECRETARY: Legislative Resolution Number 1312, by Senator Holland, honoring and welcoming the ten students and

staff member of Moscow School 64 upon the occasion of the group's participation in the United States-Russian High School Exchange Program hosted by the parents and students of Ramapo and Spring Valley High Schools.

Whereas, it is the sense of this legislative body to act in accord with its long-standing traditions honoring those organizations and individuals whose ideals and efforts are directed to promoting and preserving the brotherhood of mankind through a better understanding of the cultures and languages of the people of other lands.

Attendant to such accord, the Legislature of the state of New York is hereby moved to join with faculty, administration, parents and student bodies at Ramapo and Spring Valley High Schools as they render greetings, gratitude and best wishes to the visiting students and faculty of Moscow School 64, participating in the United States-Russian Exchange Program during the month of April 1993.

In a unique experience of

cultural enlightenment provided under the official United States-Russian High School Exchange Program sponsored by the National Association of Secondary School Principals, the honored guests of Moscow School 64 will visit Ramapo High School in April of 1993 and stay with parents of the students of Ramapo and Spring Valley High Schools.

During a trip to Russia in February of 1993, students of history and government teacher, Mr. Cairns, had the opportunity to meet the visiting students and their "sister" school.

Senior students of Mr. Cairns' Participation in Government class, those who elect to take his Russian history course and others who wish to take part, will have the opportunity to become involved in the internationally recognized humanitarian effort of Chernobyl Fund for victims of radiation; and upon the visitors' return to Russia, each student will be provided with one box of medical supplies destined for victims of the Chernobyl

nuclear disaster.

This program and experience stand as quintessential examples of fitting tribute to all who would extend themselves to foster unity, cooperation and the patrimony of understanding and cooperation among the peoples of an interdependent world.

This legislative body is so moved to add its welcome praise in recognition of the disgintuished guests from Moscow School 64, during their visit to the United States and the Ramapo High School; confident of the value of their experience in shaping their promising future and the role they will play in building bridges to span the gulf between world peoples and cultures; now, therefore, be it

Resolved, that this Legislative Body pause in its deliberations to join with the Ramapo and Spring Valley High School communities in welcoming these distinguished guests and participants of the United States-Russian Exchange Program on the occasion of their visit during the month of April 1993; recognizing also

the value of the United States-Russian Exchange Program in fostering international relations and the significance of Ramapo High teacher Mr. Cairns' contributions to strengthen the experience through authentic humanitarian activities; and be it further

Resolved, that copies of this resolution, suitably engrossed, be transmitted to the faculty representative of Moscow School 64, the principals of Ramapo and Spring Valley High Schools and Mr. Cairns of Ramapo High School.

ACTING PRESIDENT FARLEY: Senator Holland.

SENATOR HOLLAND: Mr. President, in this chamber today, we have a number of honored guests who have traveled halfway around the world to visit the United States, the state of New York and Albany.

These visitors, ten students and a teacher, representing Moscow School 64 are part of an international exchange program sponsored by the East Ramapo School District

located in Rockland County. These Russian students and their teacher are here to get a flavor for the United States, how we live and how our democracy works.

I am honored to welcome this group, their American host families and East Ramapo School District faculty and administrators to Albany today.

Mr. President, these are very special guests for me as I had the opportunity to visit these students earlier this year when I traveled to Moscow, Russia, with several Rockland County residents on behalf of the widely recognized Ramapo-Chernobyl project. While in Russia, our group delivered cases and cases of medical supplies to needy individuals who have been affected by the Chernobyl radiation disaster.

During the trip, our group had the opportunity to visit the English speaking school, Moscow School 64, and tour its grounds. Two of the Russia students, Masha Appak and Lena Inozemtseva -- don't giggle -- provided us with

a tour of their school and, at the conclusion of the tour, Kostya Kremnev played guitar for the American group while Anna Lugovaya played the piano. It is wonderful to have visited them where they study and now, five months later, they visit our state and where we work.

In addition, Mr. President, I'd like to point out that our group had the opportunity to view a Russia that few people have probably seen. In addition to School 64, we visited a collective farm, the Kremlin, Red Square, Lenin's Tomb, a children's hospital where the children have thyroid cancer from the Chernobyl disaster, and the Palace of the Congresses.

These Russian students are taking part in an exchange program between their school, Spring Valley High School and Ramapo High School. While these Russian students are touring the United States, an equal number of American students from East Ramapo High School District recently visited School 64 and Russia.

These participating schools and

students have started a program that sends a message to every local, state and federal leader of this nation. Through working together we can solve the problems of this world. I applaud their efforts to build bridges of friendship and to act on a global scale, not just a local one.

I'd like to recognize, if you would bear with me, the teachers and students from School 64 sitting to my right. First the teacher, Nina Sukhareva; then Marsha Appak, who toured the school with me; Lena Inozemtseva - stay with me -- Denis Kapitonov; Alexander Rybchuk -- I got that one pretty close -- Lena Soloviova, Marat Akdjegitov.

Stand up, the people that we've mentioned. If you recognize the name, stand up. Anna Trifonova; Anna Lugovaya, who is the piano player; and Kostya Kremnev, the guitarist.

Also joining the Russia group on the Senate floor is Sid Farber, the principal of the Spring Valley High School; Martin Goldmeer, the new principal of the Ramapo High School; and

Ramapo social studies teachers, Steve Perell - Steve visited Russia with us and has been over there a couple times this year, I believe - also Don Cairns and Pat DeFrancesco. Pat is the coordinator of the Ramapo Chernobyl project.

I'd like to further recognize Don Cairns as the engine behind the Ramapo Chernobyl Fund and the Foreign Exchange Program. Don and Pat organized the trip we took earlier this year, where we distributed nearly $400,000 worth of medical supplies to needy men, women and children who have been affected by the Chernobyl accident. And I'd like to point out that the Ramapo Chernobyl project has distributed more than $5 million worth of medical supplies over the last several years. This is a great achievement.

In addition, Don Cairns has visited Belarus and the Soviet Union many times and has gotten his students actively involved and interested in international affairs not just on the state and federal level but also on the international level.

I commend him and everyone involved in these programs for a job well done.

In addition, I would like to recognize the students and parents who are hosting these Russian students. They are located in the gallery directly in front of me. I thank them for their contribution to the lives of these Russia students and for making their visit to the United States so special and unforgettable.

I ask that these notable guests be welcomed to the state and that all of the associated courtesies be extended to them, and thank you very much, Mr. President.

ACTING PRESIDENT FARLEY: Thank you, Senator Holland.

Let me say on behalf of the New York State Senate how pleased we are to have you in our country.

Welcome to the faculty. We're very proud of what you are trying to accomplish.

And to the guests in the gallery, we also welcome you.

And on behalf of the Senate, we're grateful to have you here and for what you are doing and best wishes, and come back and visit us again.

Thank you very much.

(Applause)

Now we will adopt the resolution. On the resolution on behalf of the Russian students, all those in favor say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

All the resolutions have been adopted. We do have some substitutions.

Senator Present, what's your pleasure?

SENATOR PRESENT: Adopt the resolutions.

ACTING PRESIDENT FARLEY: We have done that.

THE SECRETARY: On page 5 of today's calendar, Senator Skelos moves to

discharge the Committee on Insurance from Assembly Bill Number 505 and substitute it for the identical Calendar Number 714.

ACTING PRESIDENT FARLEY: Substitution ordered.

THE SECRETARY: On page 25, Senator Trunzo moves to discharge the Committee on Civil Service and Pensions from Assembly Bill Number 6989A and substitute it for the identical Third Reading 610.

ACTING PRESIDENT FARLEY: Substitution ordered.

THE SECRETARY: On page 28, Senator Skelos moves to discharge the Committee on Education from Assembly Bill Number 4463 and substitute it for the identical Third Reading 638.

ACTING PRESIDENT FARLEY: Substitution is ordered.

Senator Present.

SENATOR PRESENT: Mr. President, can we have the title of Resolution 1306 read and adopted.

ACTING PRESIDENT FARLEY: You certainly may. 1306, would you read the title.

THE SECRETARY: Legislative Resolution Number 1306, by Senator Marino, Legislative Resolution calling upon the Congress of the United States to rescind the action of the Office of Management and Budget in combining Long Island, Westchester, New York City and northern New Jersey into one primary metropolitan statistical area.

ACTING PRESIDENT FARLEY: On the resolution. All those in favor, aye.

(Response of "Aye.")

Those opposed, nay.

(Response of "Nay.")

The resolution is adopted.

Senator Present.

SENATOR PRESENT: Mr. President, I believe we're ready to take up the noncontroversial calendar.

ACTING PRESIDENT FARLEY: We are if you are.

Senator Present, Senator Maltese

would like to be recognized to open up a resolution. Is that agreeable before we start that?

SENATOR PRESENT: Yes.

ACTING PRESIDENT FARLEY: Senator Maltese.

SENATOR MALTESE: Mr. President, Legislative Resolution 1343, expressing sincerest sorrow upon the occasion of the death of Jim Valvano, the head coach at North Carolina State, I would like to open that resolution to all members of the house.

ACTING PRESIDENT FARLEY: If the members would approach the desk or let the desk know, for Mr. Valvano's untimely death, please let the desk know.

We're ready for the calendar. The Secretary will read. Noncontroversial.

THE SECRETARY: On page 14, Calendar Number 290, by Senator Padavan, Senate Bill Number 1577, Administrative Code of the city of New York.

ACTING PRESIDENT FARLEY: 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 FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 334, by Senator Saland, Senate Bill Number 796A, an act to amend the General Business Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

SENATOR GOLD: Can you give me one half a second, please?

ACTING PRESIDENT FARLEY: Senator Marchi.

SENATOR MARCHI: Mr. President, if you will consent to a -- just a brief interlude, we have some distinguished guests

that are here today. They come here annually in response to a gathering of the clan of the St. John's University here in Albany, and they will be hosted by the Governor within the hour, and some of them are in the galleries at the present time. I look up here, and I believe they are deployed. Father Jim Smith; Dean Rudolph Hassel, St. John's University School of Law; the Presiding Justice of the Second Department, Guy Mangano, and a former colleague of ours; also a former Senator -- I shouldn't say former, we have that title for life -- Al Lewis; and Senator and Judge Frank Pino; Assemblyman Joe Kunzeman; John Monteleon; and I am assured that there are other distinguished members of the federal and state bar and bench up there; and if I had their names, I would be introducing them. But I want to guarantee this body that we have a very impressive array of stars up here in the gallery, and I know that you will extend your welcome in your own inimitable fashion, Mr. President.

ACTING PRESIDENT FARLEY: Thank

you, Senator Marchi. To the stars in the gallery, we're so honored to have you here with us and we hope you will come back and visit us again. We need stars in the gallery.

Senator Gold, are you -- okay. Let's continue. 511.

THE SECRETARY: Calendar Number 511, by Senator Cook, Senate Bill Number 1653A, an act to amend the Education Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 516, by Senator Saland, Senate Bill Number 3642, an act to amend the Public Officers Law.

ACTING PRESIDENT FARLEY: Read

the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 537, by Senator LaValle, Senate Bill Number 1432, General Municipal Law and the Town Law.

SENATOR LAVALLE: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 539, by Senator Stachowski, Senate Bill Number 1766A, authorizing the town of Cheektowaga to lease certain parklands.

ACTING PRESIDENT FARLEY: There is a home rule message here at the desk.

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 568, by Senator Cook, Senate Bill Number 4156, authorizing the Commissioner of General Services to sell certain lands in the town of Ulster.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 574, by Senator Johnson.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 600, by Senator Cook, Senate Bill Number 3027, an act to amend the Insurance Law, in relation to the purchase of prescription drugs.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 602, by Senator Velella.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay it aside for today.

THE SECRETARY: Calendar Number 618, by Senator Holland, Senate Bill Number 35, amend Chapter 154.

SENATOR DALY: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it

aside.

SENATOR DALY: On behalf of the sponsor, Mr. President, will you star Calendar 618.

ACTING PRESIDENT FARLEY: The bill is starred at the request of the sponsor, 618.

THE SECRETARY: Calendar Number 619, by Senator Cook, Senate Bill Number 1651, creating an inter-agency council.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: 620, by Senator Velella, Senate Bill Number 2562.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

SENATOR PRESENT: For the day.

ACTING PRESIDENT FARLEY: For the day.

THE SECRETARY: Calendar Number 621, by member of the Assembly Bennett, Assembly Bill Number 6857, Executive Law, in relation to the definition and provisions of rural areas.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: 622, by member of the Assembly Bennett, Assembly Bill Number 6856, Executive Law, in relation fought preparation and submittal of the annual report of the Office

of Rural Affairs.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: 624, by member of the Assembly Grannis, Assembly Bill Number 2929, General Business Law, in relation to the sale of dogs and cats.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays 1.

Senator DeFrancisco -

ACTING PRESIDENT FARLEY: Senator DeFrancisco.

SENATOR DeFRANCISCO: May I explain my vote.

ACTING PRESIDENT FARLEY: You certainly may.

SENATOR DeFRANCISCO: This bill would require a notice to be posted of pet purchasers' rights to have the pet checked out by a veterinarian and returned within fourteen days if there's a problem. Present law already requires the store to give a written notice to each person they sell an animal to, and I think it's a little bit of overkill now to require a posted sign in addition to the written notice. I understand the need to tell consumers what their rights are, but I guess the next step might be to require a written notice to read the posted sign so that they make sure they know that there's a posted sign. At some point, the right to give notice has to give way to reasonable business practices, and that's why

I'm voting no.

ACTING PRESIDENT FARLEY: Negatives raise their hands, please.

THE SECRETARY: Ayes 54, nays 2. Senators Daly and DeFrancisco recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 626, by Senator Sears, Senate Bill Number 4208, Agriculture and Markets Law, in relation to requirements for unit pricing of consumer commodities.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 627, by Senator Marchi, Senate Bill Number 1120A, authorizing the city of New York to reconvey its interest in certain real property.

ACTING PRESIDENT FARLEY: There is a home rule message here at the desk.

Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 628, by Senator Padavan, Senate Bill Number 1126, authorizing the city of New York to reconvey its interest in certain real property.

ACTING PRESIDENT FARLEY: Read the last section. Oh, before you read the last section, there is a home rule message here at the desk.

Now you can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 629, by member of the Assembly Abbate, Assembly Bill Number 3644, authorizing the city of New York to reconvey its interest in certain real property.

ACTING PRESIDENT FARLEY: There is a home rule message at the desk on this bill.

Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 634, by Senator Hannon, Senate Bill Number 4409, an act to amend the General Municipal Law.

ACTING PRESIDENT FARLEY: Read

the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 638, by member of the Assembly DiNapoli, Assembly Bill Number 4463, Education Law, in relation to estimated expenses for the ensuing year of certain school districts.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 639, by Senator Stafford, Senate Bill Number 4237, an act relating to state aid to North Warren Central School District.

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

Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 640, by Senator Larkin, Senate Bill Number 4343, authorize the Department of Education to apportion transportation aid.

ACTING PRESIDENT FARLEY: Local fiscal impact note is here at the desk.

Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: 642, by Senator Saland, Senate Bill Number 45 -

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 644, by Senator Saland, Senate Bill Number 4560, an act to amend the Family Court Act.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number -

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT FARLEY: Senator

Present.

SENATOR PRESENT: Would you have called up 642. Inadvertently I asked it be laid aside.

ACTING PRESIDENT FARLEY: Call up 642.

THE SECRETARY: Calendar Number 642, by Senator Saland, Senate Bill Number 4544, an act to amend the Executive Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

644 has been laid aside.

THE SECRETARY: Calendar Number 645, by Senator Volker, Senate Bill Number 1142, an act to amend the Real Property Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 649, by member of the Assembly Weinstein, Assembly Bill Number 5866, Estates, Powers and Trusts Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 650, by member of the Assembly Lasher, Assembly Bill Number 4349, General Obligations Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: 659, by Senator Holland, Senate Bill Number 1806, an act to provide for payment to providers for certain claims.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: 661, by Senator Spano, Senate Bill Number 4337.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 662, by Senator Holland, Senate Bill Number 4479, an act to amend -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 666, by Senator Lack, Senate Bill Number 3498, an act to amend the Penal Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Excuse me. Ayes 55, nays one, Senator Montgomery recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 667, by Senator Volker, Senate Bill Number 3866, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: 672, by Senator Volker, Senate Bill Number 4209, Criminal Procedure Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: 673, by Senator Saland, Senate Bill Number 4417, Criminal Procedure Law and the Family Court Act.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 674, by Senator Hannon, Senate Bill Number 4460, Civil Practice Law and Rules.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: 679, by Senator Stafford.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 680, by Senator Padavan, Senate Bill Number 1275, an act to amend the Vehicle and Traffic Law and the Administrative Code of the city of New York.

ACTING PRESIDENT FARLEY: There is a home rule message here at the desk.

Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: 681, by Senator Cook, Senate Bill Number 2273, an act to amend the Highway Law.

ACTING PRESIDENT FARLEY: There is a home rule message here at the desk.

Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 682.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 683, by Senator Mega, Senate Bill Number 3005, Vehicle and Traffic Law, in relation to the inspection of motor vehicles.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: 684, by Senator Maltese, Senate Bill Number 3228, Vehicle and Traffic Law, in relation to providing for $1.50

fee for a ten-year non-driver identification card.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, that's the first time through.

SENATOR PRESENT: Mr. President, let's take up the controversial calendar.

ACTING PRESIDENT FARLEY: Controversial calendar. But, before that, Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. Could I put a sponsor star on two of my bills?

ACTING PRESIDENT FARLEY: You

certainly may.

SENATOR LIBOUS: Calendar Number 625 and Calendar Number 686.

ACTING PRESIDENT FARLEY: 625 and 686 are starred at the request of the sponsor.

SENATOR LIBOUS: Thank you.

ACTING PRESIDENT FARLEY: Secretary will read controversial.

THE SECRETARY: On page 16, calendar Number 334, by Senator Saland, Senate Bill Number 7896A, an act to amend the General Business Law.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT FARLEY: Lay it aside temporarily.

THE SECRETARY: Calendar Number 537, by Senator LaValle, Senate Bill Number 1432.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay it aside for the day.

THE SECRETARY: Calendar Number 574, by Senator Johnson, Senate Bill Number 1961, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT FARLEY: Explanation. Senator Johnson.

SENATOR JOHNSON: Mr. President, this is a bill for the conservation of striped bass, the preservation of the species. It would end all commercial exploitation of striped bass, permit only a recreational fishery as is in place in most of the states from Maine down to Pennsylvania.

New Jersey made striped bass a game fish only a few years ago. Right now, Delaware and North Carolina are doing it. This is required to protect the species from over exploitation which has taken place under the management of the DEC.

With some complicity from the commercial fishermen, they have succeeded in overharvesting this past year, doing damage to the fishery and calling into question the

survival of the species, the reproduction of the species.

In 1984, we did a bill changing the size limits of striped bass from 16 inches to 24 inches in order to permit the striped bass to live long enough to reproduce. At that time, with incomplete information provided by the United States Marine Fisheries Commission of which I am one of the commissioners, it was assumed that the majority of the striped bass females would be mature by the time they reached the 24-inch length. We found out now that they don't mature until 37 inches, and we have had a limit for some years on the exploitation of fish up to 36 inches by recreational fishermen, essentially protecting them.

One of the other problems which has come in trying to restore the stock of striped bass is that the recoupment, or the propagation, of survivable eggs to become an infant fish and ultimately to survive has been much lower than normal, much lower than anticipated, particularly in Chesapeake Bay

which historically has provided for 90 percent of the striped bass along the Eastern Coast, Eastern Seaboard. The recoupment has been so bad in Maryland and Virginia and the area encompassed in the Chesapeake Bay that they are nowhere near reproducing sufficient to keep the fishery going. It's better in the Hudson River. But the end result is that with the bad recoupment down south and not too good here, the stock has depreciated over the years.

We got a recreational fishery of 1.16 million recreational fishermen who have the season, and they can only take one fish a day. At the same time, two years ago, in response to political pressure -- now, the fishery had been closed for commercial fishermen, commercial exploitation. Two years ago, in response to political pressure from members of the ASFMC, particularly Virginia, Maryland, and as well as New York, they permitted the opening of the commercial fishery in 1990, and the fishery landings have gone up; but when you boil it all down, it's still not a great commercial

importance in this state. We had 357 commercial fishermen last year. The average harvest is less than 500 pounds at $3 a pound.

The new standard proposed because of the overfishing, by DEC, would permit only 134,000 pounds which would be essentially 345 pounds per fisherman or about a thousand dollars of value.

Now, fishermen obviously fish for many other species, as well as fish, clams, lobsters, and so on, so they're not dependent upon this for a livelihood, but they have been overexploiting it, and the amount of fish killed by commercial fishermen has been almost equal to that -- 357 commercial fishermen -- almost been equal to that killed, not necessarily taken but killed, by recreational fishermen who number over a million people. So as you can see, the commercial overexploitation is a danger to the survival of these fish.

I think there's much evidence been presented not only that the DEC would continue the commercial fishery despite the

hazards of the recruitment and survival of the fish, but they might even be intending to go back to the most wasteful method of fishing which is haul seining, and I think the DEC has demonstrated in the last few years that due to political pressure in the AFSMC itself, whose restrictions they say they abide by, they are down there at the same time, team up with Maryland and Virginia, to try to provide further exploitation by commercial fishermen.

It's not a good situation. It's got to change. Other states, as I say, from Maine, New Hampshire, Connecticut, Pennsylvania, New Jersey have no sale, no commercial fishery. It's being explored at this time because of the problems by Delaware and North Carolina, Maryland, Virginia. They're also proposing to control this and make it only a game fish species on the East Coast as, indeed, it is on the West Coast and has been for the last sixty years.

So this is a bill which is very timely. It has a lot of support. It's not

going to harm the commercial fishermen to any great extent. It's going to help protect the stock, and I think that's a very salutary reason for this bill to be here today.

ACTING PRESIDENT FARLEY: Senator LaValle.

SENATOR LAVALLE: Mr. President, on the bill. I know that for many of our colleagues, they often say to me and I know to Senator Johnson, When are we going to have our annual debate over one of the fishing bills? And, indeed, throughout the years, my senior colleague from Suffolk and I do enter into a debate over the management of -- of the marine life.

I must preface my remarks by saying that as chairman of our Committee on Environmental Conservation, Senator Johnson has, not only the years he's been chairman but prior to that, really devoted himself to trying to maintain a quality of our marine life.

Today's debate is a very, very important one, and it's one that I come to the

floor today and would hope that our colleagues have an open mind, because too many times we come to the debate and we make remarks for the record. But today, I believe the facts and the evidence are so very, very clear. They are so clear that I'm going to lay out and spend some time establishing a record here.

Now, let me just make one other point. Senator Johnson represents, as many of us do in this great forum, a point of view and a particular interest. He represents the sports fishermen on this issue and on many other issues. I have represented the point of view of the commercial fishermen who have a deep and long history in the First Senatorial District. And I believe that if I were not to get up in many of these debates, the point of view of the commercial fishermen would not really be represented, because Senator Johnson represents 1.1 million sports fishermen. I am representing in this debate people whose livelihood -- 357 commercial fishermen. 357 commercial fishermen.

Now, Senator Johnson opened his

remarks and said that his legislation is one of conservation to protect the marine life. He doesn't want to see exploitation. He doesn't want to see damage to the species. The numbers are so clear, are so clear. The people that Senator Johnson represents catch 80 percent of the striped bass. The people that I am representing catch 20 percent of the striped bass. The people that Senator Johnson represents, the record that we have, caught 837,000 pounds, and the folks that I represent caught 226,000 pounds.

Now, if we are worried and we are talking about management of the species, I've got to tell you, the numbers just defy logic from Senator Johnson's point of view. I mean 80 percent versus 20 percent, 800,000 pounds that his people catch versus 200,000 pounds, and we're saying we're worried about the species and we want to push out the group that is catching 20 percent? I mean I just -- it is mind boggling.

I'm going to recite these figures

over and over again because it really in this debate -- the debate is that simple because it's illogical.

Now, my senior colleague is quite a crafty legislator. I've got to believe that this legislation is on the floor of the Senate because the DEC is considering regulations or there is some other reason that this legislation is before us. I must say that I believe the Governor is on record, as is the Department, that they are opposed to this legislation. So that assuming that this legislation would pass today, the Governor has indicated that he would veto it, and his Department has not only presented a memorandum opposed, but I have never seen in the years that I have been here a memorandum from the DEC that strongly opposes a bill before us.

Now, one of the problems the people who I represent who have been involved in the marine fisheries as commercial fishermen for hundreds of years, and this has been handed down from one generation to another. Who are these

people? Well, one of my constituents -- and I have many who are authors in Eastern Long Island. Peter Matthiessen wrote a book called Men's Lives: The Surfmen and the Baymen of the South Fork. And I have talked so many times about some of the names of the commercial fishermen who are recorded in history, the Havens and the Lesters, the Kings and many, many other names, but I think that Peter Matthiessen lays out -- I'm going to, hopefully, not bore you, but I think Matthiessen lays it out very, very well. And it's some -- part of the problem about the commercial fishermen and why they are just many times buried under and legislation passes here.

Matthiessen says: "They are tough, resourceful, self-respecting and also, some say, hidebound and cranky, too independent to organize for their own survival. Yet even their critics must acknowledge a gritty spirit that was once more highly valued in this country than it is today because their children can no longer afford to live where their families have

harvested the sea and the land for 300 years. These South Fork Baymen, old time Americans, who still speak with the Kentish and Dorset inflections of Elizabethan England, may soon become rare relics from the past like the Atlantic white whales, a cow, a calf, that in the winter of 1984-85 had been appearing here and there off the ocean beach."

Matthiessen also talks about - just to give you a perspective of who these people are and what they do and what they are up against as commercial fishermen; and indeed, they are the true commercial fishermen. They are not part-timers who have a job and just go out and fish, do lobstering, or fish and sell it to our restaurants.

Matthiessen says here, "Full-time baymen -- there are scarcely 100 left on the South Fork -- must also be competent boatmen, netmen, carpenters, and mechanics and most could make good money at a trade, but they value independence over security preferring to work on their own schedule responsible only to their own

families. Protective of their freedom to the point of stubbornness, wishing only to be left alone, they have never asked for and never received direct subsidies from the town or county, state or federal government. Being self-employed, they receive none of the modern social supports such as unemployment insurance and sickness compensation; and because their income is uncertain and irregular, they can rarely obtain bank loans and mortgages. Yet every year, they find themselves taxed harder for their boats and trailers, trucks and gasoline, shellfish digging and shipping licenses, docking lines, scallop opening license, permits to take certain species."

And you've seen Senator Johnson here session after session passing legislation requiring permits and seasons, and these are the very people who have to deal with the regulations that have been imposed.

Just one more piece that I would like to read because I think it reflects how long this debate has been going on that Senator

Johnson and I have talked about, whether it be striped bass or other issues. This issue on striped bass goes back to the 1930s, and the East Hampton Star had in one of its pieces, February 2, 1934, and it goes to show you how things change but they don't change, "The sports fishing organizations are seeking such legislation here on the east end of Long Island as our people do not want. It affects the freedom of our bays to everyone and permits only such fishing methods as their bill might approve."

And so I'm going to read you some other editorials of today. South Hampton Press talks about, "Debate has begun in the state legislature over a proposal to declare the striped bass a game fish prohibiting the sale of any wild stripers. The bill has been filed in the Legislature at the behest of groups representing recreational fishermen. Those groups sanctimoniously declare that it is their abiding concern for the welfare of the threatened bass that motivates them. 'Greedy

commercial fishermen threaten the survival of the noble striper,' they declare. Hogwash! Recreational fishermen kill far more stripers than do commercial fishermen. They land more stripers than do commercial fishermen, and they kill even more stripers than they land because so many of the stripers released by recreational fishermen die soon thereafter. The simple truth is that the recreational fishermen are putting far more pressure on striped bass populations than commercial fishermen are."

And I read you the statistics. 80 percent versus 20 percent. 800,000 pounds versus 226,000 pounds. I leave it to you to say who is destroying the marine resource.

The East Hampton Star -- this is now 1993 not 1934 -- "The 1992 Chesapeake spawn of striped bass was one of the three largest in the last 20 years. So large, in fact, that officials feared the bass would consume Maryland's entire crop of valuable crabs." And it goes on, "Despite all this, a bill introduced in the New York State Legislature two weeks

ago..." This editorial, by the way, appeared in February. "... two weeks ago would hand striped bass over entirely to recreational anglers. The bill's sponsor, Senator Owen Johnson..." and it goes on and on talking about the sports fishermen, much as it did some sixty years ago. It's like the clock had stopped.

Resolution -- we get resolutions all the time from our towns. Resolution from the town of East Hampton. It's the same town, some of you may have read, where there was a demonstration by Billy Joel, by the Supervisor Tony Bullock, and many others, pointing out the problems and the woes and the imbalance on this issue that our commercial fishermen must face. And they gave us a resolution opposing the striped bass game fish bill. "That the town board of the town of East Hampton opposes Assembly Bill A-3390 and Senate Bill 1961 in the strongest terms possible and calls into question the moral and scientific justification for conferring game fish status on one of long Island's most popular eating fish; and further

be it resolved..." Et cetera, and on and on and on.

Now, let me get to the department's position. And I know that all of us have had problems with the DEC. I must tell you that I have not seen in a more public way a memorandum in bold type strongly opposing this legislation. "Department of Environmental Conservation strongly opposes this legislation which eliminates the department's authority to regulate striped bass and which bans the sale and commercial harvesting of striped bass in New York. The ban on the sale of commercial harvesting of striped bass is unwarranted and without scientific basis. Current restrictions on commercial and recreational catch of striped bass are sufficient to protect the resources and there is no need -- no need to further reduce harvest at this time. If such a need develops, it would be necessary to reduce both -- both commercial and recreational catch because New York's recreational catch far exceeds commercial landings. New York's recreational harvest

totaled 12.4 percent and 14.4 percent of the total coastwide harvest for striped bass for the years 1990 and 1991. While the state's commercial harvest for the same time two years comprised only 2.2 percent and 2.3 percent, respectively."

So again, the facts and if you listen to the facts, they just overwhelmingly support defeat of this legislation.

There was a letter by the director of the DEC legislative unit. "I'm writing to correct an error in the March 29 edition of the Legislative Gazette." The letter goes on, of course, opposed to Senator Johnson's bill. There's something very key here. It says, "If a need develops to further protect striped bass, it is more likely that the recreational harvest which exceeds the commercial harvest by about 3 to 1 would be curtailed." So once again, the DEC is saying wait a minute. Wait a minute. Look at the numbers. It's not the commercial fishermen who are causing the problem. It's the recreational

fishermen. There must be another reason why we have this legislation on the floor, and why we're trying to keep the commercial fishermen from making a living, doing something they've done for hundreds of years and change the balance in this state from one class of individuals to another and also deprive - deprive, ladies and gentlemen, in restaurants across the state, the ability to enjoy striped bass. The only people who would be able to enjoy it are those who catch it.

Senator Johnson talked about the Atlantic States Marine Fisheries Commission. In a piece here again, "Based on the most scientific information available, the Hudson stock continues to be in good condition while the Chesapeake and Delaware stocks are improving."

Some of you might recall the debate. There were members who were not here in 1984, when the legislation passed increasing the size of striped bass. And at that time, I said over and over again the problem wasn't that we

were catching too many. The problem down in the Maryland Chesapeake area was one of pollution, one of pollution, and we are doing a lot to reverse that.

The East Hampton Town Baymen's Association goes on to document over and over again, why are they picking on us? Why is the Legislature proposing this bill when the figures show very, very clearly that we, the commercial fishermen, are only catching 20 percent, or 226,000 pounds, as opposed to the recreational fishermen who are catching 80 percent or 837,000 pounds. Since no purpose of conservation would be accomplished by making bass a game fish, what is the point of depriving consumers of a preferred item on the menus of restaurants as well as in the home?

And, lastly, Brookhaven Baymen's Association, "That indicates very, very clearly, we would like to emphasize, that strict coastwide management set forth by the ASMFC including size and gear restrictions, limited entry, record keeping and quotas as implemented

by the New York State DEC has, in fact, resulted in the strong rebound of the species."

So, my colleagues, I say to you today and I've tried to lay out as factually as I can what I believe are really bogus arguments on the part of my colleague, Senator Johnson. This argument has been going on for literally decades and probably there will be two legislators, maybe from Long Island, from other parts of the state, 20 or 30 years from now on this floor exceeding our lifetime, political lifetime, I would think, Senator Johnson, arguing, making the same arguments, and the arguments really are very, very simple. It's the recreational fishermen wants something that the commercial fishermen of. They've redefined who a commercial fisherman is.

As you know in many parts of Long Island, commercial fishermen are really people who have a full-time job, have some extra time during the work week or week ends, go out, clam, catch fish, catch lobsters, sell them to restaurants. They have used the legislative

process because their numbers using the 1.1 million sports fishermen as both a shield and a sword has produced legislation that you have so skillfully devised and gotten through both houses. But, Senator, I must tell you that this legislation at this time is not warranted. It really isn't, and it means a whole lot of difference to the people in my district who work as commercial fishermen, whose families have worked as commercial fishermen and who an author devoted an entire book and who, as everyone knows the name Billy Joel, a song to these people who really by the sweat of their brow have really made an investment in our county, have produced for the people I think something really decent and we should not destroy it. We should not destroy it.

So I ask my colleagues to look at the facts, the evidence that I think is overwhelming, and I ask your support for the commercial fishermen of my district and vote no.

(Whereupon, Senator Volker was in the chair.)

ACTING PRESIDENT VOLKER: Senator Solomon.

SENATOR SOLOMON: Thank you, Mr. President. Will Senator Johnson yield, please?

ACTING PRESIDENT VOLKER: Senator Johnson, do you yield?

SENATOR JOHNSON: Yes.

ACTING PRESIDENT VOLKER: Senator Solomon. Senator Johnson yields.

SENATOR SOLOMON: As you know, I try and go recreational fishing. I just have two questions after reading the DEC memo. One, is there a different size limit for commercial fishermen than recreational fishermen?

SENATOR JOHNSON: Yes.

SENATOR SOLOMON: There is. Can you tell me what the size limit for commercial fishermen is?

SENATOR JOHNSON: Yes. It's 24 to 39 inches.

SENATOR SOLOMON: Is that in the coastal area or south of the Washington Bridge?

SENATOR JOHNSON: Well, yes, from

George Washington Bridge south.

SENATOR SOLOMON: It's 24 inches?

SENATOR JOHNSON: No -- yes, twenty... For commercial 24 to 39 inches. It's 36 inches for recreational fishermen.

SENATOR SOLOMON: Okay. That's question number 1. So commercial fishermen are allowed -

ACTING PRESIDENT VOLKER: Senator yields.

SENATOR SOLOMON: Senator, correct me if I'm wrong, but if I go out recreational fishing in New York Bay, out in Graves End Bay and I catch a 33-inch striped bass and the commercial fisherman catches it, I have to throw that 33-inch striped bass back but the commercial fisherman can keep that 33-inch striped bass?

SENATOR JOHNSON: That's correct.

SENATOR SOLOMON: Okay. Just another question, Senator Johnson.

ACTING PRESIDENT VOLKER: Senator Johnson, do you continue to yield?

SENATOR JOHNSON: Yes.

SENATOR SOLOMON: Does he yield?

ACTING PRESIDENT VOLKER: He yields.

SENATOR SOLOMON: Does the department -- the department memo, at the bottom of the department memo, it indicates that they seem to be thinking about changing the 36-inch minimum and lowering it for recreational fishermen. Have you had any discussions with them? Are they considering that change this year?

SENATOR JOHNSON: Well, no, as a matter of fact, it has been permitted for recreational fishermen to take 28-inch fish, but -- I mean the ASMFC plan would permit 28-inch fish, but the recreational fishermen in their desire to preserve the species and to insure their reproduction have asked the department to stay with 36 inches for recreational fishermen, and that's what's been done. We could have gone to 28 if we chose to do so. Well, I mean because we're interested -- the recreational

fishermen are interested in the continuation of the species not just getting all the meat they can get as quick as they can get it.

SENATOR SOLOMON: Mr. President, if Senator Johnson will continue to yield?

ACTING PRESIDENT VOLKER: Senator Johnson, will you continue to yield?

SENATOR SOLOMON: What I'm concerned about, Senator, is that in my area the -- I guess you call them recreational, but the people who run small charter boats in the Sheeps Head Bay-Graves End area have complained that in fact it's almost impossible in that Graves End Bay-Sheeps Head Bay area to land a 36-inch striped bass today. It's maybe one out of a hundred. Whereas, they had felt the problem being that New Jersey, which is literally only two miles away and across the bay, had a lower limit and they would much rather have a limit just a few inches lower, possibly 28 inches, 30 inches, and that's what they are concerned about. I'm just wondering whether the department according to this memo has been

having discussions about changing that limit now?

SENATOR JOHNSON: Senator, do you have a question? Did I miss the last point of your question?

SENATOR SOLOMON: Thank you. I think -- okay. The people that hire small charter boats out in the Graves End-Sheeps Head Bay area have said that it's very rare to catch a 36-inch striped bass in that area. Generally, it might be one out of a hundred, one percent of the fish landed might be 36 inches. They've also stated only a few miles away in the New Jersey waters you can catch fish at a lower limit. I believe it's 28 inches.

I'd just like to know whether or not -- because this bill freezes the limit - whether or not the department has been considering or talking about making that change in this year? Because they really consider it a blight on their business, on the small charter business, having that 36-inch limit.

SENATOR JOHNSON: Well, Senator,

if this bill passes, the DEC will not have regulatory control over the striped bass any more, and this limit will stay into effect as did our 24-inch from 16 inches in 1984 until it's changed by the Legislature.

We feel, unfortunately, though the case might be made by some people that this is a political bill, actually the political activities are taking place in the ASMFC and the Department of Environmental Conservation; whereas, the people who are interested in the survival of these species want this limit to stay in effect and this ban on commercial exploitation in order to guarantee the continuation of the species. That means we can change it, as we're -- as we would be attempting to do now, if that was the desire of the Legislature to do so and if the recruitment out there demonstrates that there is a continuing -- a population large enough to continue the reproduction of the species.

SENATOR SOLOMON: One last question, Mr. President.

ACTING PRESIDENT VOLKER: Senator Johnson yields.

SENATOR SOLOMON: Does New Jersey bar commercial fishermen, Senator? Are you aware?

SENATOR JOHNSON: Yes. New Jersey, Connecticut, Rhode Island, New Hampshire, Maine. The only place where it's open is Massachusetts, and that's just a hook and line fishery.

And that's one of the problems with the Noble Knights of the Sea as portrayed by Senator LaValle, that their attitude as recently expressed by their director. Arnold Leo said, "We have the right to catch all the striped bass we want, whenever we want, by whatever means we want." And that's one of the reasons why they have killed many more fish than they have ever taken because of their gill nets, their pound nets, and of course the now banned haul seine method which suffocates all of the fish whether they are desirable or not and leaves very few in the net actually of legal

size to be sold but the rest are dead, nevertheless.

SENATOR SOLOMON: Thank you.

ACTING PRESIDENT VOLKER: Senator Johnson.

SENATOR JOHNSON: If I may I would just like to sum up that there have been many abuses by the -

ACTING PRESIDENT FARLEY: Senator Johnson. Senator Dollinger is looking for recognition.

SENATOR JOHNSON: Oh, I didn't know, Senator.

SENATOR DOLLINGER: Yes, Mr. President. I want to apologize to my colleague, through you, Mr. President. He was going to sum up. I just had a couple brief comments on this bill.

I come to the striped bass debate I guess with a different perspective from several of my colleagues. I've never seen one, never caught one, and never tasted one. But I do have a lesson that comes to you from Western

New York that involves trout, salmon and frankly the resource that we have in abundance in Lake Ontario, and it's just an example that I think we should all think about as we discuss, and I have to acknowledge Senator LaValle's very powerful plea for both an industry and for his community.

One, I guess I'm surprised. As I read it, Senator LaValle -- and certainly jump up and correct me if I'm correct -- what DEC is doing and what Senator Johnson is trying to avoid or trying to eliminate is a fishing industry. Is that correct? I mean DEC in their current policy will protect this commercial fishing industry, people who make their livelihood in the commercial fishing business, which -- as most of the members of this chamber, I'm sure, have heard this before -- DEC is often accused of not doing. Since it's usually DEC that's accused of putting people out of business, I find it ironic that DEC is in the business of protecting the commercial fisheries in this case.

But the example of Lake Ontario and the fishing horticulture of Lake Ontario is one that should be kept in mind as this debate occurs. In the late 1880s, Lake Ontario was filled with lake trout. There was an enormous commercial fishery based in Lake Ontario because of the abundance of lake trout. By the early part of this century, it was wiped out, no indigenous predator fish of any major size in Lake Ontario. It was through the action of DEC that the introduction of the chinook and the Coho salmon and all of the trout back into the lake occurred.

We're now -- Senator Daly, who isn't here, he and I have talked a number of times about the continuing DEC management of the fishery population in the lake. There has been a proposal to reduce the stocking this year by 50 percent as a consequence of a diminution in the fish that's the target of the predator, a little fish called the alewife.

The lesson in all this, I think, Mr. President, is that, as I see it, DEC is in

an unusual posture here of protecting a commercial fishery. And I, for one, who have had my disputes with DEC about the wisdom of their choices in regulation of the fish in my neck of New York State, nonetheless, I have to agree that in this instance it appears as though DEC's regulation is reasonable, and I, for one, am very concerned about the future of the commercial fisheries.

As I said, I'm new to this industry, but I hear one of my colleagues suggesting that a major portion of his district and its financial livelihood may be adversely affected if Senator Johnson's bill takes effect. So under those circumstances, although I haven't had the pleasure of tasting striped bass, in this case I will join my colleague Senator LaValle and vote against this measure.

ACTING PRESIDENT FARLEY: Senator Johnson, do you want to sum up?

SENATOR JOHNSON: Yes, I would like to say, Mr. President, that with 357 fishermen and with the amount of fish they took

on average, it's less than $1500 a person, with the new quota which is prescribed this year because of overfishing last year. In addition you might want to know the way they have continued overfishing. These commercial fishermen get paid by the pound. So they might catch so many fish of 28, 29, 34, 36-inch, whatever, and in order that they have a limited number of tags, they would throw away the fish which were the shortest and keep the largest ones. So they succeeded in overfishing by essentially throwing away very valuable fish; that they could be sold or they could be caught by recreational fishermen, but because they wanted to maximize their income, they threw away the smaller ones of limited range and kept the larger ones, just wasting the resource.

I might say that their gear restrictions allow for a lot of waste. The commercial by-catch wasted was 57,000 pounds in -- let me see. No, 57,000 pounds. Gill netting was 21,000 pounds. And during the closed season, they had another by-catch mortality of

37,000 pounds. And that is where the argument was made in Nick Harris' column that even though the quota for commercial fish was much less than could be caught by recreational fishermen, the fact is that their gear killed so many more fish that were never commercially used or exploited but just simply killed because of their harvesting practices.

In addition, there was continued reports of fraud in the tagging system. When we did the bill in 1984, there were 30 commercial fishermen. Now there are 357. Why is that? Because their tags were really -- many people, before they were formally commercial fishermen and got tagged, sold or gave these tags to friends who then exploited that fishery. So we didn't protect the 30 families or the 30 people. We protected a lot of entrepreneurs who got in there and saw a fast way to make a dollar resulting in overharvesting of these fish.

I think it's demonstrated fairly clearly that the DEC cannot manage this fishery not only because of what I just said but because

of the simple fact that when the Young of the Year Index, which has been a traditional method of measuring recruitment didn't suit the purposes of the commercial fishermen in Maryland and Virginia and New York, they ended up using something else called "adaptive management" which again has been proven to be a failure.

There is not going to be any particular impact in general on the commercial fishermen certainly not of any great magnitude to their livelihood, but it would be a bad impact -- if we continue this type of political management of the fishery, it will be a bad impact on the fishery.

And you might be interested to know that though the DEC opposes this bill this year, in 1983 they opposed the 24-inch limit, going from 16 to 24; but yet, in 1984, when the light finally came on and they realized what they have had been doing, permitting this continued fishing to go on, then they came out with a memo in support the following year. I suggest it will be the same thing this year when

they realize that this management plan, which has been demonstrated not to work in the past year, will be demonstrated again if they continue to have this theory, not to work and they will have to support a measure like this to eliminate the commercial exploitation and guarantee the survival of the fishery.

ACTING PRESIDENT VOLKER: Senator Gold.

SENATOR GOLD: Yes. Will Senator Johnson yield to a question?

ACTING PRESIDENT VOLKER: Senator Johnson, will you yield to Senator Gold?

SENATOR JOHNSON: Yes.

SENATOR GOLD: Senator, first, just a comment. If you say that the passage of this bill will not have a great financial impact on the fishermen, then I gather that they can't be taking that much. So I don't know what that fuss is all about.

SENATOR JOHNSON: They don't take much, Senator, but they kill many. That was the argument that I'm making.

SENATOR GOLD: I'm sorry. Can you explain it to me, please? It doesn't have to be a long, drawn-out thing, but I missed that point.

SENATOR JOHNSON: Yes. If you like, I will just quote from here because it's a convenient way -

SENATOR GOLD: No, just very briefly, in 30 seconds. You are saying that they are not taking the fish, but they're killing them. That's what I'm trying to understand.

SENATOR JOHNSON: That's right.

It's the question of how many do you keep and catch. Recreational anglers caught 755,000 fish and kept 42,000. The rest they returned to the water.

SENATOR GOLD: Can I ask you a question, Senator?

SENATOR JOHNSON: Yes.

SENATOR GOLD: All right. Senator, I am very concerned about numbers. I was away a week end ago, and I was on a little

tour boat, and somebody said that there are only 1300 Manatees, for example, left in the world. And I said to myself, "How do you go about counting them?"

You are now telling me that there were 750,000 fish caught, 42,000 kept. I just don't know how that numbering is done. When a person goes out with their son or daughter on a Saturday or Sunday morning and goes fishing and they bring back the striped bass, is there a phone number that they call to say how many fish they caught and how many they are keeping?

SENATOR JOHNSON: Senator, you would be interested to know, perhaps, that the National Marine Fishery Service spends a lot of money on surveys. All the figures are here. The amount of fish caught each year by each method, autotroll, pound net, gill, handlines, et cetera. From 1939 to 1977 happens to be on this chart; and further updating your statistical services are constantly taking -- in fact, here is the annual report of the DEC to the New York -

SENATOR GOLD: Thank you.

SENATOR JOHNSON: -- to the ASMFC, and that report is here as well -

SENATOR GOLD: Thank you, Senator.

SENATOR JOHNSON: -- on the most recent season. So the figures are available.

SENATOR GOLD: Right.

SENATOR JOHNSON: And the situation, though there are very few commercial fishermen, they've actually caught or killed as opposed to selling, as many as the recreational fishermen.

SENATOR GOLD: Thank you. Mr. President, may I speak on the bill?

ACTING PRESIDENT VOLKER: Senator Gold on the bill.

SENATOR GOLD: Mr. President, Minority Leader, my colleagues, I love math. I love numbers and if always fascinates me about what people do with statistics. I've been doing some gun control legislation and I've read figures, and I'm just trying to figure out how many times people use guns to protect

themselves. Somebody said Oh-oh, there's a court that said over 600,000 times a year people are drawing their guns. When I did the study, I found out that the guy that did it, how he came out with that number, God only knows. He did that number based on New York City figures. I mean this guy is on another planet.

Now, I don't know how you figure out how many fish are caught by sport fishermen who go out on a boat. They catch fish; they go home. They give some to the neighbors, they cook it and whatever and somebody decides at the end of the year that there was so many fish, 41,000 fish got caught out of 750,000 fish.

Now, it's ludicrous. I am somebody who is concerned about conservation. I think it's disgusting that there are creatures that have become endangered because of man, and I am in total agreement with -- with the -- and I have great empathy for those guys' arguments but they got to be based on something. They really have to be based on something.

Now, it's no secret in this house

that I am not enamored of the Department of Environmental Conservation. I think sometimes they serve us memos with no back-up, which is ridiculous. I think that there are times, as I pointed out, Senator Johnson, that their enforcement seems absurd. But you don't throw out the baby with the wash water -- bath water, and you don't just throw away the Department.

This department is regulating an industry, and, in all fairness, I listened to Senator LaValle, and I think that you have to come to this floor with some burden of proof that -- this isn't a trial, Senator Johnson. I concede that, but does the Department that seems to think it's doing its job, where you claim that it's going to do nothing to affect adversely the fishermen and, in my opinion, that says to me that they catch a lot of fish. If they're not catching a lot of fish, what do we have to make a big stink over them for? And then the answer is that if they're catching a lot of fish and they're endangering a species then your statement is not correct, that it can't have an

impact on the industry because it will.

So I think that there's a huge gap here in terms of information, and credible information. Senator Johnson, you are always credible to me, but you are, after all, reading other people's information so not meant to be personal, so I -- the Department involved strongly opposes this legislation, and while I am the first one to ignore them when they don't back it up, when they have backed it up with a memo, and based upon some of the comments I've heard on this side of the aisle, when the time comes we will ask for a slow roll call on the legislation.

ACTING PRESIDENT VOLKER: Read the last section.

Senator -- I'm sorry. Senator LaValle.

SENATOR LAVALLE: Yes, if I may, Mr. President.

ACTING PRESIDENT VOLKER: Senator LaValle on the bill.

SENATOR LAVALLE: A few closing

remarks. Once again, facts and figures do not bear out a position why this bill should be on the floor and why it deserves an affirmative vote.

Senator Johnson, this bill means a lot of money to the east end of Long Island and to people who have made investment in fishing. This could mean anywhere between three-quarters of a million to a million dollars for eastern -- eastern Long Island.

I simply say, and you have laid out in other debates the -- why we should comply with management plans for the Atlantic Coast Fisheries Commission, and I -- and we are in compliance. Now, if the signs show that the fish are in jeopardy, no one should be harvesting -- harvesting the fish, but to allow one group who clearly are catching 80 percent of the fish, I mean I just don't understand how you can say, well, we're just going to knock out the 20 percent.

So I just ask if there is a problem, and I know we all have a problem with

DEC, feel that the regulation, and so forth, should not be in the hands of the Department, it should be done statutorily and compromises should be worked out. I think people should sit down and work those out, but to eliminate a group of people from the resource, I think, is very, very difficult.

You know, when this debate began back in Suffolk County, there were meetings and hearings, and so forth. I asked someone what was a game fish because I didn't know what the category meant, and it's my understanding, and I could be wrong, but it would be put with salt water gamefish such as the white/blue marlin, the sailfish and the long-bill sailfish, so we would be putting the striped bass in that category, gamefish, and I just think, again, it defies logic to put the striped bass in with those kinds of fish that clearly most people would say would be identifiable as gamefish.

So, once again, I ask for your support in voting against this legislation.

ACTING PRESIDENT VOLKER: Read

the last section.

SENATOR GOLD: Slow roll call.

ACTING PRESIDENT VOLKER: Slow roll call.

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

ACTING PRESIDENT VOLKER: Read the roll slowly.

THE SECRETARY: Senator Babbush excused.

Senator Bruno.

SENATOR BRUNO: Yes.

THE SECRETARY: Senator Connor.

SENATOR CONNOR: No.

THE SECRETARY: No.

Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator Daly.

(There was no response.)

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: No.
THE SECRETARY: Senator Espada.
SENATOR ESPADA: No.
THE SECRETARY: Senator Farley.
SENATOR FARLEY: Aye.
THE SECRETARY: Senator Galiber.
SENATOR GALIBER: No.
THE SECRETARY: Senator Gold.
SENATOR GOLD: No.
THE SECRETARY: Senator Gonzalez.
(There was no response.)
Senator Goodman.
SENATOR GOODMAN: Yes.
THE SECRETARY: Senator Halperin.
SENATOR HALPERIN: Yes.
THE SECRETARY: Senator Hannon.
SENATOR HANNON: Yes.
THE SECRETARY: Senator Hoffmann.
(There was no response.)
Senator Holland.

SENATOR HOLLAND: Yes.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Mr. President, may I explain my vote.

ACTING PRESIDENT VOLKER: Senator Johnson to explain his vote.

SENATOR JOHNSON: We have had some discussion of economic impact on some people. I didn't put it that way. I really put it on the fact that the political manipulation of the ASMFC by New York's commissioner, not myself as one of them, but the commissioner representative of DEC and those representing the states of Virginia and Maryland, have caused them to cease to use the scientific method which has been revered for the 60 years and come up with an entirely new method of management and what they call that is "adaptive management".

That means political management. That means political mismanagement, so instead of using the young of the year Index which show a faltering rate of reproduction, they decided to use other -- other indexes, for example, the

previous year's fishing effort and how that worked out. Some part of the young of the year index, also spawning stock, biomass, and they've been creative in this respect, disregarding the impact on the -- on the fishery for political purposes.

It has been said as well that the -- that there's been no -- no compensation to the commercial fishermen for the loss of the striped bass fishery which took place quite a few years ago. The simple fact is, in 1986, the Governor through the DEC has given striped bass -- given a striped bass emergency assistance program. They've given over a million dollars in loans to those people during that time to get out of the striped bass fishery and to get into other commercial fishery activities. So the commercial fishermen who were there at the time the 1984 bill was passed did not suffer any great loss, in fact were encouraged to do other types of fishing because we didn't know when and if this would ever -- this other fishery would ever come back again.

In addition to that, there have been contracts given out -- contracts given out for them to do haul seining for research purposes on behalf of the DEC.

SENATOR LAVALLE: Mr. President.

ACTING PRESIDENT VOLKER: Senator LaValle, why do you rise?

SENATOR LAVALLE: Do Senators still have two minutes to explain their vote or have we extended that?

ACTING PRESIDENT VOLKER: I think Senator Johnson was just about to finish up.

SENATOR JOHNSON: Oh, yes. I was defining economic value, so while there might be a few hundred thousand dollars value to commercial fishermen there's 1.5 billion, 1.6 million people involved in the recreation fishing. Certainly the spawning stock, the fish in the water belong to all of us, not just to a few commercial fishermen.

I vote aye.

ACTING PRESIDENT VOLKER: Senator Johnson in the affirmative. Senator Johnson in

the affirmative. Continue the roll.

THE SECRETARY: Senator Jones.

SENATOR JONES: No.

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Aye.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Aye.

THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: No.

THE SECRETARY: Senator Leichter.

SENATOR LEICHTER: Yes.

THE SECRETARY: Senator Levy.

SENATOR LEVY: Aye.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Aye.

THE SECRETARY: Senator Maltese.

(There was no response.)

Senator Marchi.

(There was no response.)

Senator Marino. Aye.

Senator Markowitz.

(There was no response.)

Senator Masiello.

(There was no response.)

Senator Mega.

SENATOR MEGA: Yes.

THE SECRETARY: Senator Mendez.

(There was no response.)

Senator Montgomery.

(There was no response.)

Senator Nolan.

SENATOR NOLAN: Yes.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

ACTING PRESIDENT VOLKER: Senator Montgomery is here now.

THE SECRETARY: Senator Ohrenstein.

SENATOR OHRENSTEIN: No.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: No.

THE SECRETARY: Senator

Oppenheimer.

SENATOR OPPENHEIMER: Yes.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.

THE SECRETARY: Senator Pataki.

SENATOR PATAKI: Yes.

THE SECRETARY: Senator Paterson.

(There was no response.)

Senator Present.

SENATOR PRESENT: Aye.

THE SECRETARY: Senator Saland.

SENATOR SALAND: Yes.

THE SECRETARY: Senator Santiago.

(There was no response.)

Senator Sears.

SENATOR SEARS: Yes.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: Yes.

THE SECRETARY: Senator Sheffer.

SENATOR SHEFFER: Yes.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Yes.
THE SECRETARY: Senator Smith.
SENATOR SMITH: No.
THE SECRETARY: Senator Solomon.
SENATOR SOLOMON: Yes.
THE SECRETARY: Senator Spano.
SENATOR SPANO: Aye.
THE SECRETARY: Senator Stachowski.
SENATOR STACHOWSKI: Yes.
THE SECRETARY: Senator Stafford.
SENATOR STAFFORD: Aye.
THE SECRETARY: Senator Stavisky.
SENATOR STAVISKY: Yes.
THE SECRETARY: Senator Trunzo.
SENATOR TRUNZO: Yes.
THE SECRETARY: Senator Tully.
SENATOR TULLY: Aye.
THE SECRETARY: Senator Velella.
SENATOR VELELLA: Yes.
THE SECRETARY: Senator Volker.

SENATOR VOLKER: No.
THE SECRETARY: Senator Waldon excused.
Senator Wright.
SENATOR WRIGHT: Aye.
ACTING PRESIDENT VOLKER: Absentees.
THE SECRETARY: Senator Daly.
(There was no response.)
Senator Gonzalez.
(There was no response.)
Senator Hoffmann.
SENATOR HOFFMANN: Yes.
THE SECRETARY: Senator Maltese.
SENATOR MALTESE: Aye.
THE SECRETARY: Senator Marchi.
SENATOR MARCHI: Aye.
THE SECRETARY: Senator Markowitz.
SENATOR MARKOWITZ: Yes.
THE SECRETARY: Senator Masiello.
(There was no response.)

Senator Montgomery.

SENATOR MONTGOMERY: No.

THE SECRETARY: Senator Paterson.

(There was no response.)

Senator Santiago.

(There was to response.)

ACTING PRESIDENT VOLKER: Results.

THE SECRETARY: Ayes 41, nays 13.

ACTING PRESIDENT VOLKER: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, is there any housekeeping to be done?

ACTING PRESIDENT VOLKER: Negative, Senator.

SENATOR PRESENT: Mr. President, there being no further business, I move that we adjourn until tomorrow at 11:30 a.m.

ACTING PRESIDENT VOLKER: Senate is adjourned until tomorrow at 11:30 a.m.

(Whereupon at 5:55 p.m., the Senate adjourned.)