ALBANY, NEW YORK

April 20, 1994

11:59 a.m.

REGULAR SESSION

SENATOR JOSEPH L. BRUNO, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT BRUNO: Senate will come to order.

Join me in the Pledge of Allegiance.

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

We're pleased to have the Reverend Arthur Bolden, Pastor of the Pentecostal Church in Brooklyn, join us for the opening prayer.

Reverend.

REVEREND ARTHUR BOLDEN: Thank you very much. It is a pleasure and honor to be here again, and I hope that you will listen to me for a few minutes.

And let's bow our heads.

O gracious God, as we come before You at this hour thanking You for the opportunity, and realize that with this opportunity coming from Senator Babbush, we're hoping, Almighty God, that You can touch the heart of all Senators throughout this state.

We have so many problems, and we have so many things that need to be done. You know they are still fighting for the -- for the budget and we're hoping that You realize that when You touch the budget and when You resolve it in the hearts of all Senators, Almighty God, and the Assembly that You would touch the hearts of those that are seeking, and that is those who are unfortunate and that are seeking education, almighty God, that we have to realize the importance of all of the new, the children that are seeking to become the Senators, to become doctors, to become lawyers, to become scientists.

I hope you will stand tall and work together and find the solutions to the problem of senior citizens, and those who are in the street, Almighty God, don't have any home. We pray that you will find the solution; and the solution there I give you in looking for your faith and my faith. There is hope. God bless you. Continue to fight on.

Thank you.

ACTING PRESIDENT BRUNO: Thank you very much, Reverend Bolden.

Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, April 19. The Senate met pursuant to adjournment. Senator Larkin in the chair upon designation of the Temporary President. Prayer by Father Megerdichian of the Holy Cross Armenian Apostolic Church of Troy, New York. The Journal of Monday, April 18, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT BRUNO: Hearing no objection, the Journal stands approved as read.

Order of business:

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Secretary will read.

THE SECRETARY: Senator Hannon from the Committee on Housing and Community Development reports the following bills directly

for third reading:

Senate Bill Number 276, by Senator Hannon, an act to amend the Public Housing Law.

Senate Bill Number 277, by Senator Hannon, Administrative Code of the City of New York.

4975, by Senator Hannon, Private Housing Finance Law.

6797, by Senator Hannon, Private Housing Finance Law.

Senator LaValle from the Committee on Higher Education reports the following bills directly for third reading:

Senate Bill Number 7064, by Senator LaValle, an act to amend the Education Law.

7150, by Senator LaValle, Education Law, filing State University financial statements.

7410, by Senator Seward, State University of New York to lease certain lands.

And 7525, by Senator LaValle, an

act to amend the Education Law, in relation to reporting requirements of the City University.

All bills reported directly to third reading.

ACTING PRESIDENT BRUNO: Without objection third reading, reported to third reading.

Motions and resolutions.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President. On page number 21, I offer the following amendments to Calendar Number 642, Senate Print Number 4742, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT BRUNO: Without objection.

SENATOR PRESENT: Recognize Senator Farley.

ACTING PRESIDENT BRUNO: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President. Thank you, Senator Present.

Before I ask that a privileged resolution be read, I would like to star two bills on behalf of Senator Cook. That's Calendar 613 and 615.

ACTING PRESIDENT BRUNO: So ordered.

SENATOR FARLEY: Mr. President, there is a privileged resolution at the desk, and I would ask that the Secretary read the resolution in its entirety and it be adopted, and I would like to speak to it.

ACTING PRESIDENT BRUNO: The Secretary will read.

THE SECRETARY: Senate Resolution Number 3098, by Senator Farley, congratulating the St. Johnsville High School Lady Saints Basketball Team and their talented coach, Pam Macek, on their outstanding season and overall team record.

Whereas, the State of New York takes pleasure and pride in honoring talented young athletes who take part in competitive sports and who achieve success through a

combination of serious practice and dedicated coaching.

The entire Capital District has been following the exciting progress of St. Johnsville Lady Saints, who this year have claimed their second consecutive New York State Public High School Class D Championship.

This remarkable team of talented athletes is already highly respected having maintained a perfect 54-0 record over the past two years; the Lady Saints have also participated in six straight years of Tri-Valley League play without a loss, and they hold an outstanding 100-3 record over four years.

On Saturday, March 26, 1994, the Lady Saints further distinguished themselves in their latest triumph by winning the finals of the Federation Cup at Marist College; this victory was bittersweet in that while it marked Coach Pam Macek's 200th career win, it also heralds the departure of seniors Janice Miklic and Wendi Schoff, whose efforts have contributed so much to the team's record of two years of

undefeated competition.

Senior forward Wendi Schoff was named the tournament MVP in recognition of her strong and experienced performance.

The Lady Saints consistently exhibit athletic ability and good sportsmanship; athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting well on their school.

St. Johnsville Coach, Pam Macek, deserves praise for the suburb job she has done in successfully guiding, molding and inspiring each of the team members toward her goals.

Sports competition instills the values of teamwork, pride and accomplishment; and Coach Macek and her outstanding athletes have clearly made a contribution to the spirit of excellence which is a hallmark of the school; now, therefore be it

Resolved, that this Legislative Body pause in its deliberations to congratulate the entire St. Johnsville Lady Saints Basketball

Team and Coach Pam Macek on their outstanding season and overall team record; and it be further

Resolved, that this Legislative Body commend the dedication and accomplishment of these athletes and honor them for the excellence displayed in their chosen disciplines; and be it further

Resolved, that copies of this resolution, suitably engrossed, be transmitted to David A. Lapone, Principal of St. Johnsville High School, Coach Pam Macek and her staff and to the St. Johnsville Lady Saints Basketball Team.

ACTING PRESIDENT BRUNO: On the resolution. Senator Farley.

SENATOR FARLEY: Thank you, Mr. President. My colleagues. In the gallery, up here, we have one of the finest basketball teams I think that this nation has ever seen. Not only are they the New York State Champions, but what a record: 54 and zero; 100 victories to 3 losses over four years; a team that comes from a

small town in Upstate New York; a team that has been absolutely remarkable in its academic performance. The team average, academic average of this team is 91 percent. Not only are they great basketball players and athletes but they are also scholars.

Pam Macek, the coach, has truly been recognized as one of the finest coaches in the United States. I'm so very, very proud to have these young athletes here with us today, and I ask for -- that the resolution be adopted, and that you give them a warm welcome, Senator Bruno, who is also from the Capital District and is so very proud of this team.

ACTING PRESIDENT BRUNO: We are proud by your presence here in the chamber joining us and can see by what you have done with your lives, your young lives so far, that you will have continued success; and in all the things that you do with your lives, you will truly be shining stars and good examples for a lot of the people who will be looking to you for your leadership and your direction. We are

very, very pleased to have you join with us.

Ladies and gentlemen. The State Champions.

(Applause.)

And the resolution is adopted.

Senator Trunzo.

SENATOR TRUNZO: Mr. President. I have a privileged resolution at the desk, ask that the title be read, and the resolution adopted.

THE SECRETARY: Legislative Resolution by Senators Trunzo, Marino, Padavan, Johnson, and other members of the Senate commending Josephine L. Gambino, Civil Service Commission President, upon the occasion of her retirement.

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

(Response of "Aye.")

Opposed.

(There was no response.)

The resolution is carried.

Senator Nozzolio.

SENATOR NOZZOLIO: Senator Bruno, I have a privileged resolution at the desk. I ask consent to have the title read and it adopted.

ACTING PRESIDENT BRUNO: The clerk will read.

THE SECRETARY: Legislative Resolution, by Senator Nozzolio, commending Matthew Fiola of Seneca Falls, New York, upon the occasion of his recognition by the Italian Heritage Society on Sunday April 24, 1994.

(Whereupon, Senator Farley was in the chair.)

ACTING PRESIDENT FARLEY: On the resolutions, all those in favor, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

We have some substitutions.

The Secretary will read the substitutions.

THE SECRETARY: On page 18 of

today's calendar, Senator DeFrancisco moves to discharge the Committee on Education from Assembly Bill Number 11323 and substitute it for the identical Third Reading 618.

ACTING PRESIDENT FARLEY: Substitution is ordered.

THE SECRETARY: On page 20, Senator Maltese moves to discharge the Committee on Codes from Assembly Bill Number 6344A and substitute it for the identical Third Reading 639.

ACTING PRESIDENT FARLEY: Substitution is ordered.

THE SECRETARY: On page 21 Senator Stafford moves to discharge the Committee on Codes from Assembly Bill Number 5756A and substitute for the identical Third Reading 643.

ACTING PRESIDENT FARLEY: Substitution is ordered.

THE SECRETARY: On page 21, Senator Johnson moves to discharge the Committee on Codes from Assembly Bill Number 7124 and

substitute it for the identical Third Reading 645.

ACTING PRESIDENT FARLEY: Substitution is ordered.

Senator Present.

SENATOR PRESENT: Mr. President. Let's take up the noncontroversial calendar, please.

ACTING PRESIDENT FARLEY: Secretary will read the noncontroversial bills. Page 8, I think.

THE SECRETARY: On page 13, Calendar Number 556, by Member of the Assembly Grannis, Assembly Bill Number 619, an act to amend the Real Property Law, in relation to apartment information vendors.

ACTING PRESIDENT FARLEY: Senator Present. There is an appropriation message here at the desk. Did you wish to make a motion?

SENATOR PRESENT: Mr. President. I move we accept the message.

ACTING PRESIDENT FARLEY: All in favor of accepting the message, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The message is accepted.

You can read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -

ACTING PRESIDENT FARLEY: Which bill did you have? Did we do the wrong one.

Senator Present, unfortunately the desk made a little boo-boo. There's no message for this particular bill.

SENATOR PRESENT: I think you made the mistake, but that's all right.

ACTING PRESIDENT FARLEY: I only do what they tell me.

SENATOR RATH: 556, I'm down.

ACTING PRESIDENT FARLEY: 556. Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37. Nays 2. Senators Daly and Rath recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 586, by Senator Trunzo.

SENATOR TRUNZO: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay that bill aside for today.

I am told that this is the one that has the message, but the Secretary will read it.

THE SECRETARY: Calendar Number 588, by Member of the Assembly Vitaliano, Assembly Bill 10629, an act to amend the Civil Service Law, in relation to the powers and duties of the director -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay the bill aside.

SENATOR GOLD: Accept the message? Wait a minute. Hold on.

ACTING PRESIDENT FARLEY: Senator Present, what's your pleasure?

SENATOR PRESENT: Just hold a moment.

Mr. President.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: I understand there is a message at the desk.

ACTING PRESIDENT FARLEY: There is a message at the desk for this bill.

SENATOR PRESENT: I move we accept the message at this time.

ACTING PRESIDENT FARLEY: All in favor of accepting the message, please say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The message is accepted.

SENATOR PRESENT: Last section.

SENATOR GOLD: Last section.

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 39.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 591, by the Senate Committee on Rules, Senate Bill Number 6120A, an act to amend the Public Authorities Law, in relation to allowing the Oswego Port Authority to create industrial projects.

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 39.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 601, by Senator Marino, Senate Bill Number 7543, an act to amend a Chapter of the Laws of 1994, as proposed in Legislative Bill Number S.724 -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 607, by Senator Levy, Senate Bill Number 71A, an act to amend the Vehicle and Traffic Law and the Education Law.

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

You can read the last section.

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

SENATOR DOLLINGER: Is that Calendar 607?

ACTING PRESIDENT FARLEY: This is 607.

SENATOR DOLLINGER: Would you lay that bill aside, please.

ACTING PRESIDENT FARLEY: Lay it aside. Withdraw the roll call.

THE SECRETARY: Calendar number 608, by Senator Cook, Senate Bill Number 2273, an act to amend the Highway Law.

ACTING PRESIDENT FARLEY: We have 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 42.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 609, by Senator DeFrancisco, Senate Bill Number 2341, an act to amend the Highway Law, assist in

certain roads in the Village of Camillus.

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

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 43.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 612, by Senator Babbush, Senate Bill Number 2465A, authorizing the City of New York to reconvey its interest in certain real property.

ACTING PRESIDENT FARLEY: Senator Babbush has a home rule message here at the desk.

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 43.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 614, by Senator Velella, Senate Bill Number 6571, 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.

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 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 616, by Senator Levy, Senate Bill Number 7379, authorize the payment of transportation aid to

the Roosevelt Union Free 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 46.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 619, by Senator Skelos, Senate Bill Number 1296.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside. For the day, Senator Present?

SENATOR PRESENT: For the day.

ACTING PRESIDENT FARLEY: For the day.

THE SECRETARY: Calendar Number 620, by Senator Sears, Senate Bill Number 3501A, an act to amend the Vehicle and Traffic 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 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 621, by Senator Maltese, Senate Bill Number 4112A, an act to amend the Vehicle and Traffic 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 51.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 623, by Senator Johnson, Senate Bill Number 7374, an act to amend the Vehicle and Traffic 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 51.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 624, by Senator DiCarlo, Senate Bill Number 7381, an act to amend the Executive Law, designating June 12 as Woman Veterans Recognition Day.

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 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 626, by Senator Saland, Senate Bill Number 3378.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Lay that bill aside for today.

THE SECRETARY: Calendar Number 627, by Senator Saland, Senate Bill Number 3759, Domestic Relations Law, in relation to orders for child custody and support.

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 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 628, by Senator DiCarlo, Senate Bill Number 6511, Executive Law, in relation to qualifications of employment as a youth division aide.

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 52.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Holland, I understand you have a motion.

SENATOR HOLLAND: Yes, Mr. President. On page 9, I offer the following

amendments to Calendar Number 432, for Senator Levy, Senate Print Number 79A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

Senator Present.

SENATOR PRESENT: Mr. President. Can we stand at ease for a few moments.

ACTING PRESIDENT FARLEY: Senate will stand at ease for a moment.

(Whereupon, at 12:23 p.m., Senate was at ease.)

SENATOR PRESENT: Mr. President. May we return to motions for a few moments?

ACTING PRESIDENT FARLEY: Yes, we may.

Senator Kuhl, do you have a motion.

SENATOR KUHL: Yes, Mr. President. On behalf of Senator Libous, I move that the following bills be discharged from their respective committees and be recommitted

with instructions to strike the enacting clause: These are Senate Prints 1335, 2015, 2199, 2731, 4383, 4423, 4435, 4647, 4789, 4807, 5746, 6107.

ACTING PRESIDENT FARLEY: Those are all Senator Libous's?

SENATOR KUHL: Yes. Yes.

ACTING PRESIDENT FARLEY: His program is recommitted with the enacting clause struck, without objection.

SENATOR PRESENT: Continue to stand at ease.

ACTING PRESIDENT FARLEY: Thank you.

(The Senate continued at ease.)

ACTING PRESIDENT FARLEY: Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you. I would like unanimous consent to be recorded in the negative on Calendar 628.

ACTING PRESIDENT FARLEY: 628, Senator Montgomery will be in the negative, without objection.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT FARLEY: Senator Galiber.

SENATOR GALIBER: 628, Mr. President, could I have unanimous consent to be recorded in the negative, please.

ACTING PRESIDENT FARLEY: Without objection, Senator Galiber will be in the negative on Calendar Number 628.

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

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Call up Calendar 601, please.

ACTING PRESIDENT FARLEY: The Secretary will read Calendar Number 601.

THE SECRETARY: 601, by Senator Marino, Senate Bill Number 7543, an act to amend a Chapter of the Laws of 1994, as proposed in Legislative Bill Number S.7246, amending the Tax Law.

ACTING PRESIDENT FARLEY: Read

the last section.

SENATOR GOLD: Explanation please.

ACTING PRESIDENT FARLEY: Explanation has been asked for. Senator Stafford.

SENATOR STAFFORD: Thank you, Mr. President. You will recall that not too many weeks or days ago, we passed a tax reduction bill. We felt that we have to go in this direction. As I stated yesterday, I'm afraid this sort of becomes a broken record, and it's a difference in philosophy. It's one of the advantages we have with this system, is we can disagree. I think there have been wars fought over that; and, fortunately, we have that opportunity, and we no doubt will have some discussion today as far as this legislation is concerned.

This is a chapter amendment to the tax cut bill. Now, when I first arrived here a number of years ago, we used to say this is a chapter amendment with technical

corrections, and we didn't talk much more about it, but I know that there are some questions on the bill that passed and no doubt on the chapter amendment.

But, Mr. President, once again last evening, I was talking to a group of business people, ladies and gentlemen, and again, they were pressing me -- pressing me, stating that unless we have some changes in the State of New York, we're going to continue to see our economy move out of this area. It's very serious.

And I say this, this is very fundamental and, again, hopefully not boring people, but if we don't have the private sector supplying the funds, the revenues, taxes, so to speak, in this state, then we'll have nothing, we'll have absolutely nothing to support the responsibilities of the state government.

Now, the provisions of this chapter amendment clarifies the treatment of net operating loss as we proposed it.

Real estate gains, tax exemption

for residential subdivisions and exchanges of like kind property. Some real concerns with developers.

Also, the alcoholic beverage tax on beer would be reduced from 21 cents to 16 cents in 1994 and, further, to 11 cents in 1995 to repeal that portion related to the Environmental Bond Act of 1990 which was defeated, as we remember.

New York's fuel use tax would be restructured to conform with federal law and the international fuel tax agreement on January 1995.

The agriculture exemption for the petroleum business tax which is passed in this bill is expanded to include commercial fishing.

It does provide additional tax relief of $20 million.

May we stand at ease for just a few moment.

ACTING PRESIDENT FARLEY: Senate will stand at ease for a moment.

(Whereupon, at 12:35 p.m., Senate

was at ease and reconvened at 12:37 p.m.)

ACTING PRESIDENT FARLEY: Senator Galiber.

SENATOR GALIBER: Mr. President. Senator Jones has an amendment which is now prepared, and I thank you for your patience. It is at the desk.

ACTING PRESIDENT FARLEY: There is an amendment here at the desk.

Senator Jones.

SENATOR JONES: Yes, I would like to call it up, please, and waive its reading. It's Senate Bill 7462.

ACTING PRESIDENT FARLEY: Right. The amendment has been served.

SENATOR JONES: Okay. I would like to speak on the bill. I certainly support the things that Senator Stafford is doing in regard to tax credits.

ACTING PRESIDENT FARLEY: 7543?

SENATOR JONES: Yes. It's an amendment to 7543. Sorry.

ACTING PRESIDENT FARLEY: Thank

you.

SENATOR JONES: Got it? I certainly support everything that Senator Stafford is doing, but I would like to add another little addition to what we've been talking about as far as tax credits for business, and I think this has a very important element to it that I haven't heard in some of the other ones.

I heard Senator Leichter and Senator Stafford discussing yesterday how we can be sure that we're increasing jobs in our community, and I read a little article recently from the Fiscal Policy Institute that said, "Ohio last year led the nation in attracting new facilities, expansion and, in particular, manufacturing plants."

So what I would like to propose is an amendment today. It takes off on this Ohio plan, and what it would offer is a tax credit to businesses that is directly related to new employees. It would give a business 50 percent of the income tax for each new

employee. But, in addition, the credit goes to the company only after hiring. They may take it for up to ten years, but they must agree to keep the employee on for at least double the amount of time they take the tax credit.

I think the big advantage to this is it has a direct impact on job growth and retention. And isn't that what it's all about? What we're hoping is to both bring businesses here and to keep the new ones here and cause them to grow.

So I think this does both, and I would just point out that it in no way affects the current investment tax credit. An employer does not have to take this. It's their option.

But I think it also has the advantage of saying to an employer, "You need to do some good long-range planning so that you know that five years from now this is where you want to be. So in that case, it would be to your advantage to take this tax credit, knowing that these employees will continue to be part of your work force."

Every new employee, I don't think I have to tell you that, every new person that's hired in this state is a person that's paying income tax, is a person that's adding to the economy by the things they are buying, and all this, so I think this would be a very good addition to what we are already trying to do for business, and it has the double impact of both helping labor and business.

So I would move to its adoption.

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: On the amendment. I join with my colleague from Monroe County in support of this amendment.

Seems to me that there are two lessons here. One is that we -- in the new federalism in the approach to a national government which encourages experimentation by the states, we in New York State should be receptive to those experiments which have succeeded elsewhere, as apparently the Ohio tax incentive and tax credit has.

It seems to me that we ought to import that little genius of Ohio and make it a part of the Tax Law of New York State, so that we send a two-fold message. One, we can send a message that we've got a home sweet home for our business here in New York; and, number two, we can roll out the welcome mat to send the right messages to businesses that want to locate in the State of New York.

I appreciate what Senator Stafford is doing. I appreciate what the Republican majority is doing. I think there are a number of initiatives from this side of the aisle. This is one of the better ones. It's been proven to work in Ohio. We ought to take a little bit of Ohio's know-how and put it to work here in the State of New York.

I urge the adoption of this amendment.

ACTING PRESIDENT FARLEY: Senator Galiber.

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

Yesterday, on one of Senator Stafford's bills, I alluded to the fact that we have this tax credit problem here in our state, and that as we move into the final days, if you will, of this budgetary process that the question of tax credits is going to be extremely important, and also the question of how we cut and how much we cut and what is it going to cost us in the out years.

The Ohio procedure in that state is an excellent one. We have found in this state because of the secretiveness, if you will, of the tax credits, they do not let us know how they use those tax credits. We have our tax department, who is not duty bound, if you will, to not give us the information on those tax returns.

There is on a federal level, however, and we should be leaning toward adopting that, close to the Ohio, close to the amendment which is offered by my colleague from Monroe County, to say "If you want to get the benefit, then we should know what you are doing

with those credits." And up to date, they refuse to do so.

Some have suggested that we should perhaps put them on the dole, so to speak, and issue a check, if you will, make it a subsidy. Let's issue a check based on what you do each year. Give you it back in monetary form. But at least there should be the disclosure.

When we hear the horror stories of large corporations which are making billions and billions and billions of dollars and then you look at their tax return and their tax return, they're returning to them two, three, four hundred million dollars.

Something is wrong with our system. And it's a simple amendment, a simple concept. If you want our credits tell us what you are doing with those credits, and we'll gladly give them to you.

Especially in the area of employment, and we are all concerned about that, you create jobs, we'll give you the benefits in

this state. But if you are hiding this and using the loopholes and doing -- out in the other states, and avoiding the tax penalties in this state because you are not disclosing to us what you are doing with those credits -- and I'm sure Senator Stafford would agree with me that the system that we have is not a good one.

So I support the amendment, as we all should support it. Keep it in the back of our minds, because certainly it's -- when we come down to the last days, hours, if you will, as I mentioned before, perhaps this one-house bill that for the first time -- or for a long time, I find myself, as my other colleagues do, finding technical changes in what is a one-house bill. I have never experienced that before, but then I have never experienced a lot of things that are happening this year.

I understand that -- you know, the people who are being hit the hardest or concerned the most, I know that the net operating loss is a key factor to our growth in this country or in this state, and there are

those of us who believe you can go forward, you can go back a bit, but you can't go back, but it's certainly that the business community is aware of and needs to look at as we are looking at it now.

Those of us, Senator Stafford, on this side of the aisle agree with you that the theory is good in actuality. Not a theory. What you are saying is what we are desirous of also. We are merely saying, as you should be saying, that if you take my tax credits, let me know how you are using them. Is it in fact being beneficial to our community and to our state?

So, Mr. President, I would urge the adoption of the amendment and hope that the wisdom of this amendment will spread in the waning hours of this session.

ACTING PRESIDENT FARLEY: Thank you, Senator Galiber.

All in favor of accepting amendments -

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President. Will the sponsor yield?

SENATOR JONES: Yes.

ACTING PRESIDENT FARLEY: Senator Stafford, would -- no, I'm sorry. Senator Jones is the sponsor.

SENATOR JONES: Yes, I will.

SENATOR NOZZOLIO: Senator, Jones, I have just had the opportunity to review some of the text of the amendment and have some questions about it that I hope you can clarify.

How does an employer go about obtaining this proposed tax credit that you are suggesting?

SENATOR JONES: Senator, the employer would make application, I believe, to the Department of Economic Development, and they also would be the monitor of this tax credit.

As they hire a new employee - the way it's working in the state of Ohio, when you take on a new hire, you may take the tax credit. There is a limit of ten years that you may take this tax credit, and you must agree at

the time of getting the credit that you will keep the employee double the amount of whatever time you keep that you take the credit you must keep that new employee.

The credit -- it's monitored by the Office of Economic Development. I believe it's every five years, and there is also a place in there the Tax Commissioner can recoup the money should a company either not live up to its expectations or the employee is no longer there or whatever other condition there is.

SENATOR NOZZOLIO: If the Senator will continue to yield?

ACTING PRESIDENT FARLEY: I'm confident she will. Senator Jones?

SENATOR JONES: Yes.

SENATOR NOZZOLIO: Thank you, Senator. Senator, so that in order to achieve the credit, you must produce a job. How long in duration does the job have to be guaranteed for the credit to be viable?

SENATOR JONES: Senator, it's in relation to how long the employer takes the tax

credit. For instance, the employer must agree to keep the tax -- if he takes the credit for ten years, he must agree to keep the employee double whatever amount of time he takes that tax credit.

SENATOR NOZZOLIO: So that the employer, as I understand your amendment, Senator, must guarantee a 20-year duration if he takes a 10-year credit.

SENATOR JONES: That's right, Senator.

SENATOR NOZZOLIO: Let me take this one step further and try to put it in the form of a question. If an employer takes this credit, he must guarantee operations ten years beyond what he can project. He must guarantee this job that he took the credit for for a full ten years. Is that correct?

SENATOR JONES: If that's what he takes the credit for, Senator, but he is not obligated to keep the credit for that period of time.

Let me just add to that,

Senator. It's basically the employment level. It's not necessarily John Smith, but it's the level of the number of employees that he has or agrees to have at that point.

SENATOR NOZZOLIO: Thank you, Senator.

Mr. President, on the amendment.

ACTING PRESIDENT FARLEY: Senator Nozzolio on the amendment.

SENATOR NOZZOLIO: Mr. President. I believe we all support the concepts of additional credits and tax breaks for businesses to produce jobs. However, what I'm concerned with in this particular amendment is an extremely onerous requirement that the taker of the credit not only support this job for a period of time of the credit but support the job for twice the period of time of the credit. By doing so, you are requiring an employer to predict the economic conditions of his business or her business for an additional potentially ten years beyond the tax advantages that are being proposed. No employer, no

economist, certainly at the state level and I doubt at even the federal level, could make such a prediction. That's what concerns me about this particular provision, Mr. President.

I believe it's well intentioned; however, I think the requirement upon an employer will produce a counter result that, in effect, the credit will become meaningless by having such an onerous requirement. I am also concerned that there is potentially an undue bureaucratic power authorized by this provision, Mr. President, my colleagues, that the Commissioner of Economic Development basically determines whether this tax credit is or is not viable. That may in practicality not be difficult; however, as we're proposing less and less regulation on business and less and less bureaucratic review of our businesses, I think that the paperwork requirement alone that I predict, compliance of this tax credit proposal would be so onerous it wouldn't be worth seeking the credit.

I have no quarrel with the

sponsor's intentions, but I think what we have on paper here is a provision that's not going to work, that will be counterproductive, that will be sending a positive signal to business politically but, in practicality, be just another burden to business that we're trying to eliminate.

For that reason, I question the wisdom of this amendment, Mr. President.

ACTING PRESIDENT FARLEY: Senator Jones.

SENATOR JONES: Yes, on the amendment. I just would like to clarify a couple of points that Senator Nozzolio made.

First of all, the employer is not obligated to take it ten years, five years, it's entirely in his hands. He can guarantee it for one year, two years. The option is entirely up to the employer himself.

What we're really offering is just another option. It's entirely in his hands whether or not he chooses to go for this credit. As we well know, there are other

investment tax credits out there.

So this is really just an additional incentive which as far as I can see is entirely up to the employer what he wants to do with it. No one is telling him that he has to take this for ten years and keep the employment up for 20. He can say I want this for one year; and, again, it obligates him for two.

But I think it's entirely up to the employer. I think it's an additional carrot, or whatever we want to call it, that we're offering him to stay in New York and do business, and I think it makes good sense. And, again, it's entirely up to the employer. We are just making him another offer to try to make New York State a better place to do business.

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. I also want to respond to the comments from my colleague from Wayne County. It seems to me -- and I understand the concern

that we not overburden our corporate taxpayers with paperwork, but the fortunate thing is we have an example of where it's already working, where employers in the state of Ohio have said, "We're willing to do whatever minimal paperwork is required in order to get the benefit of this tax credit and to bring new jobs to the state of Ohio."

We're not cutting this out of whole cloth or new cloth. We're cutting it out of already well worn cloth. It's worked in the state of Ohio. Let's take the example of Ohio, follow the leadership of Ohio, follow the leadership of my colleague from Monroe County. Let's append this to this tax bill. Let's make this available and let the employers decide whether they want to do it. The evidence is that they do.

ACTING PRESIDENT FARLEY: Senator Connor.

SENATOR CONNOR: Yes, Mr. President. I'm delighted to support this amendment.

And let me say to my colleagues on the other side of the aisle we hear year-in and year-out from the Republicans that taxes and jobs are related. Frankly, some of us are often skeptical that you just, you know, lower a whole bunch of of taxes willy-nilly, and somehow you'll create jobs.

Here's a program to test your theories. Here is a program to show that when there are tax benefits employers will create jobs. In this case, they are directly linked. Let's prove to the public, prove to some of us that your theories are right, but let's do it in a way that we guarantee to the people, to the public and to the taxpayers, that real jobs will be created.

It's really something that I believe your side of the aisle has advocated, and this is a vehicle to do it that's proven to work and have a direct benefit. And I think if you talk to the people throughout this state, jobs are uppermost on their mind, jobs, jobs, jobs, and this does it.

And I congratulate Senator Jones for bringing it to the floor, for bringing such a proven, innovative program to the floor of the Senate.

ACTING PRESIDENT FARLEY: All in favor of the amendment, please say aye.

SENATOR GOLD: Party vote in the affirmative.

SENATOR PRESENT: Party vote in the negative.

ACTING PRESIDENT FARLEY: Call the roll on a party vote.

(The Secretary called the roll.)

THE SECRETARY: Ayes 24. Nays 34. Party vote.

ACTING PRESIDENT FARLEY: The amendment is not accepted.

Read the last section of the bill.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Leichter.

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

ACTING PRESIDENT FARLEY: You're welcome.

SENATOR LEICHTER: Would Senator Stafford yield please?

ACTING PRESIDENT FARLEY: Senator Stafford, would you yield to a question from Senator Leichter?

SENATOR STAFFORD: (Indicating yes.)

SENATOR LEICHTER: Senator Stafford, I'm interested in Section 3 (d), which amends Chapter 418 -- amends Section 418 of Chapter 57 of the Laws of 1993. As I read this, it seems to make a provision where we provided -- certain tax that we provided as to property that went into service on or after April 1, 1993, and now you are excepting property where certain conditions were met before April 1, 1993. I just wonder if there is some specific property in some specific business that you are seeking to benefit by this provision?

SENATOR STAFFORD: Just summarize your question, please, a little?

SENATOR LEICHTER: Yes, I would be interested in knowing if there is a specific business that you are seeking to benefit by this provision? What's the rationale?

SENATOR STAFFORD: Which provision?

SENATOR LEICHTER: Section 3 (d), Senator, it's on page 2, starts on line 35.

SENATOR STAFFORD: In all of that section?

A couple of businesses' plants were just about ready to be used, go in effect, and this, in effect, allows them, but investment tax credit was cut off as of April 1, 1993.

SENATOR LEICHTER: Right. I read that, too, Senator. That was exactly my reading of it. And my question to you is what are those businesses you are seeking to benefit?

You obviously have some businesses in mind. We ought to know who they are.

SENATOR STAFFORD: There were some cogeneration projects that we have throughout our state, and they had worked this out with the tax department.

SENATOR LEICHTER: Are you saying the tax department is supporting this provision?

SENATOR STAFFORD: They helped to draft it, and they have been in negotiations. I think you have to ask them.

SENATOR LEICHTER: Well, Senator, I'm not sponsoring the bill as you are. I'm not up here defending the bill as you are. I'm not as knowledgeable about the bill as I assume you are. You made some reference to the tax department, and then you said go ask them. Is the tax department supporting this provision?

SENATOR STAFFORD: I would, as I said earlier -- that they were involved with the negotiations, I understand, and they also were involved in the drafting. Now, whether they are going to officially support this legislation, you would have to speak -- I think there are

some vagaries and vicissitudes that might be present before any agency right now would be supporting it in the executive branch, in all fairness to them.

SENATOR LEICHTER: Mr. President. If Senator Stafford would be good enough to continue to yield.

ACTING PRESIDENT FARLEY: I'm confident he will. Senator Stafford.

SENATOR LEICHTER: Senator, other than these cogeneration plants, are there any other businesses that you are aware of for whom this particular provision has been tailored and seeks to benefit?

SENATOR STAFFORD: No.

SENATOR LEICHTER: You do not know whether there are any or there are none.

SENATOR STAFFORD: No, I didn't -- N-O, no.

SENATOR LEICHTER: No what?

SENATOR STAFFORD: Other businesses.

SENATOR LEICHTER: There are no

other businesses that you know of?

And where are these cogeneration plants located, Senator, that you referred to?

SENATOR STAFFORD: I believe the sites are in Onondaga and Columbia County.

SENATOR LEICHTER: Senator, if you would be good enough to yield just to one or two other questions. There is a provision in your tax bill which lowers the tax on beer. Can you tell us what the total cost of that tax reduction would be?

SENATOR STAFFORD: It's 15 million per year. But if you will allow me to answer with a few more points, I think you will find that in this state indication of the problems we're having. If you lived in the county of Oswego or the county of Fulton or the county of Onondaga, very possibly, and you received a notice that the brewery is closing, "We're leaving, we're not here any more," that's what happened with Miller. I remember the great day it was that they opened. Unfortunately, they are leaving. How many jobs

is that, by the way? It's large.

Go ahead.

SENATOR LEICHTER: Senator, so what you are saying is that the cost of this particular amendment to the state treasury would be $15 million on an annual basis?

SENATOR STAFFORD: Yes.

SENATOR LEICHTER: Okay. Thank you.

SENATOR STAFFORD: Thank you.

ACTING PRESIDENT FARLEY: Senator Leichter on the bill.

SENATOR LEICHTER: Mr. President. Colleagues. I'm just concerned where we get bills such as this one and the bill that previously passed that this is supposed to be a chapter amendment to without our having an overall economic plan, without it being part of a budget which takes a look at those things that the State of New York needs to do and that we need to have money for.

You know, the people on the other side of the aisle -- and Senator Stafford is a

very articulate spokesperson for this view that we have to improve the business climate. None of us disagree with you.

What I have a problem with is when you announce this like a man-trap. We have to improve the business climate without putting forward bills that give us a clear indication that your program, in fact, is going to create jobs, is going to improve business, without taking a look to see what this means for the revenue of the State of New York and whether we can deal with the infrastructure, with all of the other things that are necessary for businesses to succeed in the State of New York.

It's more than just reducing corporate taxes. There are lot of other things that need to be done, and I don't see that those are being addressed by the Republican majority. Frankly, this seems sort of like a helter skelter approach. Well, cut this tax. Cut that tax. Maybe somebody in their district has a business, and they once overheard somebody at the country club say, "Oh, you know, taxes are

too high," and so on.

I mean Senator Stafford gets up and he says, "Breweries have closed." Senator, we lost an enormous number of breweries before we raised the tax on beer. I would say most of the breweries we loss were before this particular increase of the tax on beer. I don't know if there is any relationship between the closing of that brewery and the increase in taxes, which, by the way, I think many of the people on this side of the aisle have voted against.

You know, in part, your amendment is sort of the mea culpa. All these taxes that you voted for over the last few years, then you come back one or two years later with bills which are usually one-house bills to try to eliminate those taxes. So we're very much in favor of a good program to help business in this state to create jobs, but it can't be the sort of the bills like the bill you presented yesterday, Senator -- in fact, afterwards, when I looked at it, and I was very strong in support

of providing monies for communities such as Plattsburgh which have lost military bases, then I realized there is nothing in the bill that even obligated UDC to make any monies available to that particular community. They could have, under that bill, given the money to a lot of other communities, and that's the problem.

I don't see a well thought out plan. Now, maybe I see a good political plan. I'm not arguing with that. I think you people are very skillful in that. But do we have something here that really is going to benefit the people of the State of New York by creating economic stimulus, by creating jobs? I don't think so.

Read the last section of the bill.

THE SECRETARY: Section 11. This act shall take effect -

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Call the roll.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: I will be very brief in closing, because it really isn't necessary to repeat what we have been saying on this side of the aisle on this issue.

Senator Leichter used a number of key phrases which really tell what it is; in other words, what does this mean? Well, what does it mean to business? What does it mean to the entire budget process, to every person in this state?

Breweries have closed. I can tell you right now that the closing of a brewery has a much, much more dramatically damaging effect on every worker in that brewery than the person who happens to be the CEO, the chairman of the board, who obviously has concerns and obviously will suffer. But if you want to measure the suffering, look at the working people. Look at the working people, you will measure the suffering.

So in saying that, am I saying

that these things are bad? I will tell you what is bad. What is bad without pointing a finger and without assigning the blame is the fact that we are not presented with a budget that is put together.

We have a Comptroller of this state, who I happen to think is a terrific guy and a very talented person, which is more important, who tells us that there are greater numbers in the surplus than some other people. Well, if that's the case, it might just be that some of the tax suggestions of a Senator Jones from Rochester, tax reduction suggestions, I mean, and some of the suggestions from other people in this side have meaning. It may be that within that framework, we can have significant tax relief that helps business, that helps workers, that helps jobs, but that also takes care of programs for people who need that extra little bit help to live on a day-to-day basis.

And all this conference has said is that we are not anti this or anti that. This

conference has said we got to take a look at a budget like every other normal human being in America would look at a budget when they were dealing with their own household, and that is, what are we talking about with income and what are the expenses?

But this itsy-bitsy business and this posturing, it is too late to posture. I can't resent a Republican majority that wants to posture on the budget in January or February, but this is not even March. It's April. Why are we posturing? Is it because we haven't been overrun yet by the local school boards that have done that to us in the past, whose budgets you are putting in jeopardy; or that we haven't been overrun by other groups? We shouldn't have to wait for that.

The time of posturing is very much over, and it is dangerous. Getting a budget put together is essential. And when that budget comes out if there are programs in it such as will help business and thereby help working people and there are programs in there

that give the proper kind of tax relief not only to businesses but also to individuals, and there are programs in there that help the working poor, we can look at a budget and very proudly join in if it's appropriate and vote for it.

But I voted against the original and I'm going to vote against this and Senator Connor joined me with Senator Espada and Galiber and Kruger and Leichter and Markowitz and Mendez and Ohrenstein and Onorato and Paterson and Smith, Stavisky and Waldon, and I urge us to do the same thing until the time comes that we have a budget in front of us that makes sense as a totality.

ACTING PRESIDENT FARLEY: You can read the last section.

THE SECRETARY: Section 11. This act shall take effect on the same date as the Chapter of the Laws of 1994.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FARLEY: Senator

Daly to explain his vote.

SENATOR DALY: Yes. Mr. President. I'm delighted to have the Minority join us in a cry to change the business climate in New York State and make it better. I certainly commend the effort.

However, I would remind my colleagues that the bill that passed the Senate about three weeks ago cut business taxes by almost $700 million. And now because of negotiations with the Governor and the Assembly, that has been reduced down to $400 million. To me, that would indicate that the state might better be served if the Minority members on the other side joined us in our discussions with the Assembly to try to get even the $400 million tax cuts that passed this house.

So I commend them for their interests and their concern. I would hope they would help us, help the state by impressing upon their party members in the other house the need to improve the business climate in New York State by the methods that this house has passed

and certainly has strongly demonstrated that it believes in.

I vote yes.

ACTING PRESIDENT FARLEY: Results.

THE SECRETARY: Those recorded in the negative on Calendar Number 601 are Senators Connor, Espada, Galiber, Gold, Kruger, Markowitz, Mendez, Montgomery, Ohrenstein, Onorato, Smith, Waldon, also Senator Leichter. Ayes 45. Nays 13.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President. Any housekeeping?

ACTING PRESIDENT FARLEY: Yes, we do. Senator Holland has a motion, I believe.

SENATOR HOLLAND: Mr. President. On page 20, I offer the following amendments to my bill, Calendar Number 632, Senate Print Number 207, and ask the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

Any other motions?

Senator Dollinger.

SENATOR DOLLINGER: Point of order. Did we do 607 or has that bill been laid aside?

ACTING PRESIDENT FARLEY: It's been laid aside.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Any other motions on the floor?

Seeing none, Senator Present.

SENATOR PRESENT: Mr. President. On behalf of Senator Levy, I would like to announce an immediate conference of the Majority in Room 332.

ACTING PRESIDENT FARLEY: There will be an immediate meeting of the Majority for a conference in Room 332.

SENATOR PRESENT: Mr. President. There being no further business, I move that we

adjourn until Monday, April 25, at 3:00 p.m., intervening days being legislative days.

I would also advice the members that they are subject to the call of the Majority Leader upon receiving 24 hours' notice.

ACTING PRESIDENT FARLEY: The Senate will stand adjourned until Monday at 3:00 p.m. All members will be subject to a 24-hour call from the Majority Leader.

Senate stands adjourned.

(Whereupon, at 1:17 p.m., Senate adjourned.)