ALBANY, NEW YORK

June 2, 1994

11:19 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FARLEY: Senate will come to order. Members take their seats. Staff take their places. Ask all those in the gallery to rise and join with us in saying the Pledge of Allegiance.

(Whereupon, the Senate and those assembled in the chamber joined in the Pledge of Allegiance to the Flag.)

We're pleased to have a visiting clergy with us, The Reverend Dr. William Shillady from Mamaroneck United Methodist Church, happens to be in Senator Oppenheimer's district.

Reverend Shillady.

REVEREND WILLIAM S. SHILLADY: Thank you.

Let us pray.

Almighty and gracious God, on this particular day, we give You thanks for the creative beauty of nature and life that exists all around us. We remember with gratitude those who have come before us and have been examples

to us of freedom and democracy, of caring leadership and caring community.

This week, in particular, we remember those who sacrificed themselves, our brothers and sisters who have given their lives in the horrors of war for the sake of freedom of others. May we hold them all in continued remembrance and ever think of them having received their eternal reward for their attempt to bring peace with justice.

And, finally, O God, You, as You annointed leaders and called prophets of old, be with those who lead this great State of New York, be with the Governor and all these Senators, and all the representatives, their staffs and all aspects of government. In their power to make decisions that affect all lives, give them wisdom and courage.

Guide Your women and men in this Senate who love Your people and children. Help them to walk with those whose lives are touched by their decisions. Aid them to be emboldened and commissioned to dream their dreams and

strive for the common good of society.

Transform them and our political system to serve people as the highest priority, to bring hope to every person. Help each to recognize Your call to them to be authentic and caring leaders.

Amen.

ACTING PRESIDENT KUHL: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, June 1. The Senate met pursuant to adjournment. Senator Kuhl in the chair upon designation of the Temporary President. The prayer was given by Rabbi Alfredo S. Winter of Port Chester, New York, and also Chaplain Egert of the 10th Mountain Division of Fort Drum. The Journal of Tuesday, May 31, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President. On behalf of Senator Larkin, I wish to call up his bill, Print Number 6390, recalled from the Assembly, which is now at the desk.

THE SECRETARY: By Senator Larkin, Senate Bill Number 6390, an act to amend the Public Officers Law and the Village Law.

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

ACTING PRESIDENT KUHL: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill

is before the house.

SENATOR DiCARLO: Mr. President. I now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President. On behalf of Senator Johnson, please remove sponsor stars on Calendar Numbers 563, 721, 722, 828, and 1040.

ACTING PRESIDENT KUHL: Sponsor stars are removed on Calendars 563, 721, 722, 828 and 1040.

Senator Present, ready for the calendar.

SENATOR PRESENT: Let's do the noncontroversial calendar, please.

ACTING PRESIDENT KUHL: Clerk will read the noncontroversial calendar.

THE SECRETARY: On page 5, Calendar Number 249, by Senator Libous.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT KUHL: Lay the

bill aside.

THE SECRETARY: Calendar Number 424, by Senator Johnson.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 478, by Senator Saland.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 800, by Senator Holland.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 812, by Senator Larkin.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay it

aside for the day.

THE SECRETARY: Calendar Number 847, by Senator Libous.

SENATOR PRESENT: Would you lay aside 847 through 1038.

ACTING PRESIDENT KUHL: Calendars Number 847, 853, 854, 855, 901, 932, 987, 1035, 1036 and 1038 are laid aside.

THE SECRETARY: On page 31, Calendar Number 1044, by Senator Cook, Senate Bill Number 7185, an act to amend the Agriculture and Markets Law.

SENATOR GOLD: Lay it aside for Senator Oppenheimer.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1093, by Senator Cook, Senate Bill Number 2547.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1094, by Senator Cook.

SENATOR PRESENT: Lay that aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1096, by Senator Bruno, Senate Bill Number 6937, Racing, Pari-Mutuel Wagering and Breeding law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1097, by Senator Libous.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1099, by Senator Rath, Senate Bill Number 7157.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1104, by Senator Johnson.

SENATOR DOLLINGER: Lay it aside

for explanation.

ACTING PRESIDENT KUHL: Lay that bill aside.

THE SECRETARY: Calendar Number 1112, by Senator Daly, Senate Bill Number 8262, Education Law, in relation to courses of instruction.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1118, by Senator Libous.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Present, that completes the noncontroversial calendar. What is your pleasure, sir?

SENATOR PRESENT: My pleasure that we stand at ease for a few moments.

ACTING PRESIDENT KUHL: Senate will stand at ease for just a few moments.

(Whereupon, at 11:37 a.m., Senate

was at ease.)

ACTING PRESIDENT KUHL: Senate will come to order.

The chair recognizes Senator Present.

SENATOR PRESENT: Mr. President. Can we return to motions and resolutions, and recognize Senator Libous.

ACTING PRESIDENT KUHL: We will return to motions and resolutions.

Chair recognizes Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I have a privileged resolution at the desk. On this one, I'd just like the title read. I would just like to speak on it for a moment and ask for its adoption.

ACTING PRESIDENT KUHL: Clerk will read the title of a privileged resolution.

THE SECRETARY: Legislative Resolution by Senators Libous, Marino, and all members of the Senate, proclaiming Thursday, June 2, 1994, as Legislative Disability

Awareness Day in the State of New York.

ACTING PRESIDENT KUHL: Chair recognizes Senator Libous on the resolution.

SENATOR LIBOUS: Thank you, Mr. President.

Today is the 14th Annual Legislative Disability Awareness Day, and I'm pleased to say that the Senate has shared in a full day of activities.

Earlier today, we had a group together downstairs. We had many displays in the Legislative Office Building from different folks, different vendors, who work with people in New York State with disabilities. And it is again the Senate's commitment, Mr. President, in showing that we care very deeply about the residents of this state who have disabilities. We care very deeply about improving upon the different opportunities, whether it be inclusion in the workplace, inclusion in school. These are the kinds of things that the Senate stands for and that this house has tried to move forward on.

The other rare opportunity that we have is we have two very special guests with us, Mr. President, and I would like to introduce them right now. We have Mitchell Levitz and Jason Kingsley, and I would just like to ask the two of them to stand for a moment, and I'm going to ask that the clerk read two resolutions honoring these two gentlemen.

But, basically, both of these young men with born with Down's syndrome. Their parents was told at a very early age that there was little hope and that they should be institutionalized. These two young men have fought and beaten all of the odds.

They have proven that people with disabilities and particularly with Down's syndrome can live an active life, can live a very normal life and need to be included.

And based on that, they have been here today. They have been just a pleasure for me to work with as we talk about the needs of people with disabilities.

So if I could ask for the

adoption of this, and then I would ask for the floor again, Mr. President, so that we could read the resolution honoring these two gentlemen.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The resolution is adopted unanimously.

Clerk will read the next privileged resolution in full.

THE SECRETARY: Legislative Resolution, by Senators Libous, Marino and all members of the Senate, honoring Mitchell Levitz of Cortlandt, New York, co-author of Count Us In: Growing Up With Down's Syndrome upon the occasion of his appearance on the New York State Legislature on Thursday, June 2, 1994.

Whereas, community awareness and acceptance of persons who are disabled serves to

lift barriers and expand choices for persons of all abilities.

It is the intent of this Legislative Body to recognize persons with disabilities who benefit New York State with their contributions to our economic, educational and social growth.

This Legislative Body is justly proud to honor Mitchell Levitz of Cortlandt, New York, co-author of Count Us In: Growing Up With Down's Syndrome upon the occasion of his appearance as a guest speakers at the New York State Legislature on June 2, 1994.

Born on April 10, 1971, to Jack and Barbara Levitz, Mitchell Andrew Levitz grew up in Cortlandt Manor, New York, with his two younger sisters, Stephanie and Leah.

Shortly after birth, Mitchell was diagnosed with Down's syndrome, a genetic abnormality which is usually associated with some degree of developmental disabilities.

Responding to the needs of their son and to better understand Down's syndrome,

Jack and Barbara Levitz established the Parents Assistance Committee on Down's syndrome, one of the first support groups in the nation for families of children with Down's syndrome.

Mitchell Levitz participated in the first early intervention program developed in Westchester County at the Westchester Institute for Human Development; he attended a community nursery school, a Montessori kindergarten and a combination of special and regular education classes at his neighborhood schools in the Lakeland School District.

Mitchell graduated with a regular diploma from Walter Panas High School in June of 1991 and received community service, school service, academic achievement in business education, legislative commendation awards and a varsity letter for soccer.

Mitchell's television appearances include Sesame Street, NBC Weekend, the Morning Show with Regis and Kathie Lee, and Dateline NBC with Jane Pauley; his film appearances include "Opportunities to Grow" by National Down's

Syndrome Society and "Employ*Ability: Integrating people with Developmental Disabilities Into the Workplace" by Woolworth Corporation; he has also been featured in articles New York Times, USA Today and Gannett suburban newspapers and magazines including Special Report, Psychology Today and Hudson Valley Magazine.

Mitchell has been a keynote speaker at local and statewide conferences for parents, professionals and self advocates. He was introduced on the floor of the New York State Assembly, and has presented congressional testimony in Washington, D.C.

With a strong interest in politics, government, and world affairs, Mitchell Levitz has volunteered his time working as an intern for two State Assembly members, assisting the high school dean of students, serving on the legislative action committee for the board of education, and legislative lobbying in Washington, D.C.

His employment has included

working as a busboy at Colonial Terrace Caterers, a bank teller at the Summit Trust Bank, and a kitchen assistant at Pizza Hut; Mitchell worked as an office assistant at the Peekskill/ Cortlandt Chamber of Commence.

Mitchell Levitz has collaborated with a close friend, Jason Kingsley, who also has Down's syndrome on a book called Count Us In: Growing Up With Down's Syndrome. The book was published in January of 1994 by Harcourt Brace & Company. Mitchell and Jason recently completed a cross-country promotional book tour, making media appearance and signing books in 13 different cities. In its third printing, Count Us In: Growing Up With Down's Syndrome has recently appeared on the UPI best seller list, the National Edition of the New York Times, Associated Press and People magazine.

Mitchell Levitz recently began a new position as Consumer Empowerment Ombudsman for the Westchester Association for Retarded Citizens. He commutes by public bus to work and is presently living on his own in a house in

Cortlandt Manor, New York. He is an active member of his community and serves on the New York State Interagency Council on Vocational Services, the Westchester County Community Mental Health Services Board, the Westchester County Citizens Consumer Advisory Board, and the Lakeland School District Community Action Committee.

Mitchell Levitz and Jason Kingsley will speak and sign their book at the New York State Legislative Office Building, third floor terrace, on Thursday, June 2, 1994, appearing in conjunction with the observance of Legislative Disability Awareness Day in the State of New York.

Now, therefore, be it resolved, that this Legislative Body pause in its deliberations to salute and honor Mitchell Levitz of Cortlandt, New York, recognizing his courageous achievements and outstanding contributions in support of increased awareness and opportunities for citizens with diabilities on the occasion of his appearance on the New

York State Disability Awareness Day, June 2, 1994; and be it further

Resolved, that a copy of this resolution, suitably engrossed, be transmitted to Mitchell Levitz, 208 Lafayette Avenue, Cortlandt Manor, New York.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The resolution is unanimously adopted.

Mitchell Levitz, on behalf Senator Libous, Senator Marino, and all the members of the Legislature, we welcome you here today. Your life, your young life is just a wonderful story. You certainly have a lot to be proud of. We're proud of you, and thank you for coming and sharing a day with us.

(Applause.)

SENATOR LIBOUS: Mr. President.

I have one more resolution at the desk. I ask that it be read in its entirety, and I will make a comment afterwards.

ACTING PRESIDENT KUHL: Clerk will read the resolution in its entirety.

THE SECRETARY: Legislative Resolution, by Senators Libous, Marino, and all members of the Senate, honoring Jason Kingsley of Chappaqua, New York, Down's syndrome student, actor, and lecturer, upon the occasion of his appearance at the New York State Legislature on June 2, 1994.

Whereas, community awareness and acceptance of persons who are disabled serves to lift barriers and expand choices for persons of all abilities.

It is the intent of this Legislative Body to recognize persons with disabilities who benefit New York State with their contributions to our economic, educational and social growth.

Jason Andrew Kingsley was born on June 27, 1974, with Down's syndrome, a genetic

abnormality which results in some degree of mental retardation.

Jason's parents, Charles and Emily Kingsley, disregarded medical advice to institutionalize their child, brought him into their loving home and set about obtaining the intervention and educational training appropriate for his needs and abilities.

Jason Kingsley has demonstrated unique talents and skills, abilities which complement his unfailing determination and engaging personality and have enabled him to achieve goals and enjoy experiences commonly denied to persons with disabilities.

Exposed to the public forum at an early age when he and his parents appeared to speak regarding Down's syndrome and life for persons with disabilities, Jason soon found his opportunities expanding to television interviews and appearances, world travel, and theater experiences involving both production and performance.

Jason has received many honors

and awards in recognition of his contributions toward better understanding and acceptance of people with developmental disabilities, including the Joseph P. Kennedy, Jr., Foundation award which was given to him at Rose Kennedy's gala 100th birthday celebration.

Jason who is now preparing for graduation from Lakeland High School in Shrub Oak, New York, has collaborated with a friend who also has Down's syndrome, Mitchell Levitz, in authorizing a book entitled Count Us In: Growing Up With Down's Syndrome.

Jason Kingsley and Mitchell Levitz recently completed a cross-country promotional book tour making media appearances and signing books in thirteen differently cities. In its third printing, Count Us In: Growing Up With Down's Syndrome has recently appeared on the UPI best seller list.

Jason Kingsley and Mitchell Levitz will speak at the New York State Legislative Office Building, third floor terrace, on Thursday, June 2, 1994, appearing in

conjunction with the observance of Legislative Disability Awareness Day in the State of New York.

Jason Kingsley has astutely observed that once people get to know people with disabilities, strangers will become our friends.

Now, therefore, be it resolved, that this Legislative Body pause in its deliberations to salute and commend Jason Kingsley of Chappaqua, New York, recognizing his courageous achievements and outstanding contributions in support of increased awareness and opportunities for citizens with disabilities, on the occasion of his appearance at the New York State Legislature on Disability Awareness Day, June 2, 1994; and be it further

Resolved, that a copy of this resolution, suitably engrossed, be transmitted to Jason Kingsley.

ACTING PRESIDENT KUHL: On the resolution, the chair recognizes Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. There is not an awful lot I can add to the resolutions if my colleagues took the time to listen to the accomplishments of these two outstanding young men.

The only thing I would like to add is this; that there are many people in New York State who do not have the same opportunities that we have. They have disabilities and until that actual experience affects you as an individual or affects a member of your family, we all too often take life for granted. We take for granted getting out of bed in the morning. We take for granted walking to work. We take for granted just opening a door and walking to a car.

Unfortunately, there are many people in this state and in this country who have physical and mental disabilities that don't have those same opportunities that we have. I think it's important as legislative leaders, as those who set policy in this state, that we try to pause every so often and make sure that we

pass legislation, that we work in our communities to help those individuals that have disabilities so that they can lead and live normal lives just like Jason and Mitchell. They can demonstrate to others that having a disability doesn't mean that you have to stay locked up in a room. It doesn't mean that you have to be institutionalized. It doesn't mean that you have to stay out of society. And I think that it's all too often that those of us who do not have disabilities, we don't pause and reflect on that.

So my message on this resolution, Mr. President, is that not only am I extremely proud of these two young men and I am proud of all the folks who have joined us today who have disabilities on Disability Awareness Day and, of course, too, Mitchell and Jason's parents and grandparents, who are here.

But, Mr. President, I would ask that my colleagues just pause every now and then and think about it. Think about what it would be like for them to have to live with a mental

or physical disability and think about what changes need to be done in the law so that we can help improve life.

The last thing I would like to say, Mr. President, on the resolution is that I would also encourage my colleagues to pick up a copy of their book, Count Us In. I have had the pleasure of reading it, and I notice that several members in this room, their names appear in the book, but it does explicitly share with you the lives of these two young men. They talk to you about what it's like to grow up with Down's syndrome, what it's like to have various experiences. And as Jason said this morning, "We are no different than anyone else. We have the same feelings, the same emotions, and we want to be counted in just like the book says, Count Us In."

So, Mr. President, it is a real honor and pleasure for me to stand before this body today to recognize all the people in New York State with disabilities and also to recognize our special guests.

ACTING PRESIDENT KUHL: Chair recognizes Senator Pataki.

SENATOR PATAKI: Mr. President, if I might just briefly add my comments, as well.

First, let me thank Senator Libous and, before him, Senator Spano for the outstanding work they have done with Legislative Disability Awareness Day. I think it is important for us to pause and to reflect on those who have disabilities and how they can contribute so much to our society here in New York and across the country.

I want to particularly comment on this resolution because Jason and Mitchell are constituents of mine, but, more than that, they are friends. I have met them before. I have had the opportunity to discuss their lives and their ideas with them. And I just cannot tell you how impressive these two young men are.

In fact, Mitchell goes beyond being a friend. In the resolution, it mentioned how he was an intern for an Assemblyman. That

was me. And I welcomed and cherished his advice. He gave it freely. It was extremely valuable. I hear his parents laughing.

Mitchell continues to give his advice to me freely, and I just want to say how grateful and thankful I am for all that you have done for the Chamber of Commerce in Peekskill, for me personally, and for everyone, by the symbol that you are of what people can achieve.

And I know that it's not -- as with all successes, it's not just an individual success. It's a family, and it's a broader success and, Charles and Emily, and to Jack and Barbara, who I have known for so long, and Grandma and Grandpa Gibbs, sitting over there as proudly, as well, I just want to thank you for your fight and commitment and understanding that Jason and Mitchell have the ability not just to be contributors, not just to be counted in, but to be a large and important part in leading us as we go forward.

So to Jason and Mitchell begin again, congratulations and thank you for what

you have done. You are not just counted in we're counting on you to continue to provide us with the leadership and inspiration that will make all of us better in our efforts to contribute to this state.

Thank you.

ACTING PRESIDENT KUHL: Chair recognizes Senator Spano.

SENATOR SPANO: Thank you very much, Mr. President. First, to Jason and Mitchell, I found out coming in a little late this morning -- I started my day with root canal this morning, so that's why I was a little late. So if you can't understand me, you understand why.

It is my pleasure to stand on the floor of this Senate and to join with my colleagues and specifically Senator Libous in paying tribute to two young men and for all that they represent, all that they represent for people with disabilities across the state.

And while all of us recognize that, rightfully so, we give a great deal of

credit to Jason and to Mitchell -- as an aside, you know Mitchell presented me with a copy of his book, Count Us In, just a couple of weeks ago in Westchester County, and I haven't seen Jason since then. But thank you for the autographed copy of that book.

And it's nice to see your parents here, your family members here. They are all rightfully very produced of the accomplishments that both of you have made so far in your life.

And we look at you and we recognize that not all people with disabilities in this state can achieve the goals that you have achieved, and that not all people with disabilities in this state have the support of parents that you both have and family members that you both have, and you can see that by even the dedication that both you dedicated in the forward of your book to your parents.

We recognize that there are many, many people with disabilities in this state that can not make it to the state capital, and that very often there are programs in the state that

have come under fire by certain elements in this capital that would have taken away a few cents a week that family members would receive for a respite once in a while, family support programs. And you know the fight that so many of you who are here led in making sure that we restore programs that people like you need and deserve in this State of New York.

So we stand here today recognizing Jason Kingsley, Mitchell Levitz, their family members, but we recognize them for everything that they stand for. We recognize them because the both of you are living proof that we no longer are going to closet people away in the Willowbrooks of the State of New York. We are going to make sure that we, in fact, create that community based system that is essential, the support system that is essential for people with disabilities who are living at home, to make sure that there are programs in the community for people who are living at home with aging parents that may need a place to go.

All of that, we can all look at

the positive accomplishments of people like Jason and Mitchell and say that we are going to redouble our efforts to make sure that all people with disabilities in this state receive the appropriate type of care, in the community where they belong. They have a right to live in the community. They have a right to work in the community.

And by the efforts of Senator Libous in putting together the Disability Awareness Day, you will stand out as a beacon for all family members and all people with disabilities so that all members of the Legislature, in both houses, and the Governor, should make sure that we should never forget that there are people in this community who don't have high-priced advocates who can visit the capital, who don't have high political action committees that can come here and try to influence government. But, Jason and Mitchell, you do it better than any group that will visit us and any lobbyists that will visit us because both of you are living proof, that given a

chance to work in the community, you can, in fact, work well, be a success, and we are all very, very, very proud of the job that you have done in representing people with disabilities all across this state.

So it's my pleasure to welcome all of you here with your families and, again, to just thank Senator Libous for his dedication, his commitment, to making sure that the issues facing people with disabilities continue to be on the front burner on the agenda of this Legislature.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes, Senator Gold.

SENATOR GOLD: Thank you, Mr. President.

Mr. President. We all get a different perspective, but I remember years ago the first time I saw the "Miracle Worker" which was the story of Helen Keller; and my reaction when it was over was, had it not been for the parents who persisted in bringing in this

miracle worker, who knows what would have happened to Helen Keller.

While I really don't want to take anything away from these two marvelous young men, I really want to throw in my words of congratulations to the parents who understood that you don't give up on any child and you give every child an opportunity to be what they can be, and you measure every child against that child and not any other child.

And I have seen, since that first movie, many situations in my life where I have admired parents who have been in situations with children in different kinds of problems, and I think it's wonderful when a youngster has that kind of parent, parents, family, that says it's a lot of time, it's a lot of effort. It becomes consuming for the family, and the other children in the family and the other nephews, nieces, aunts, uncles, all wind up contributing and giving time and energy so that that life can blossom to its fullest potential.

So I want to thank Senator Libous

and Senator Pataki and Spano and everybody in this chamber. I think there are times when we're out here tearing each other's heads off and we should be and there are times when, in this beautiful room, we do the right thing. And today, thank God, is one of those days.

So my congratulations to my colleagues and particularly to these two young men and their families for what they have done.

ACTING PRESIDENT KUHL: Chair recognizes Senator Oppenheimer.

SENATOR OPPENHEIMER: Senator Gold has pointed out what I was about to point out, and I will now because I have known Emily and Charley Kingsley for many years.

I remember when Jason was just little boy. I remember Charley telling the Westchester Association for Retarded Citizens, when he was the president of the association several years ago, a story. I guess Jason must have been -- he was under 10, and the story was very touching.

He said that he was driving Jason

home one day from school, and Jason said to his father, "Well, I've had Down's syndrome, when am I ever going to be well?"

Well, we have to say to you, Jason, and, Mitchell, who I have come to know in recent years -- and thank you also for your autographed copy of your book. What I have to say is that you won't overcome Down's syndrome. You have been born with it. It's a part of you. But you have led lives, your short lives have already packed more into them than most lives of 60 and 70 years.

You have shown all of us how you can live fully and develop to your maximum potential. Though I think your maximum is still ahead of you, because you have such drives and such determination, and that's really what's needed.

But let me just say to Emily and Charley, who I know well, they are an example to all of us in the state. Some of us in this chamber have children with disabilities, and it is my belief that most everybody in the world

has some disability. And as you may recall on the floor of the Senate, I have said that I am learning disabled, being dyslexic, and I think most people have disabilities. And what we all strive to do is to live our lives to our maximum, and you are our shining example, and I'm so happy you are here.

Thank you.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The resolution is unanimously adopted.

Jason Kingsley, on behalf of Senator Libous, Senator Marino, and all the members of State Senate, thank you for coming here today. Thank you for sharing a bit of your life with us. We are very, very proud of you as you can detect from the outpouring of sympathy and pride here today from the members.

Thank you again for coming.

(Whereupon, there was a standing ovation.)

Also to our many guests who are here, while he have singled out Jason and Mitchell, your story is one that we appreciate your coming and sharing with us. Certainly, we recognize your disabilities. And, again, on behalf of Senator Libous and Senator Marino and all the members here, thank you, too, for coming.

Senator Present.

SENATOR PRESENT: Mr. President. May we up the controversial calendar.

ACTING PRESIDENT KUHL: Clerk will read the controversial calendar.

THE SECRETARY: On page 5, Calendar Number 249, by Senator Libous, Senate Bill Number 6219A, an act to amend the Public Health Law, creating a program for traumatic brain injury and creating a traumatic brain injury services coordinating Council.

ACTING PRESIDENT KUHL: Clerk

will Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 424, by Senator Johnson, Senate Bill Number 6842, an act to amend the Real Property Tax Law.

ACTING PRESIDENT KUHL: Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

847, by Senator Libous, Senate Bill Number 6927B, an act to amend the Mental Hygiene Law, requiring the Office of Mental Health and the Office of Mental Retardation to review forms.

ACTING PRESIDENT KUHL: Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 853, by Senator Libous, Senate Bill Number 7189, an act to amend the Mental Hygiene Law, requiring the informed consent of a parent or guardian or a court authorization prior to administration.

ACTING PRESIDENT KUHL: Clerk will read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 854, by Senator Libous, Senate Bill Number 7485A.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 855, by Senator Libous, Senate Bill Number 7516A, an act to amend the Mental Hygiene Law, in relation to periodic orientation.

ACTING PRESIDENT KUHL: Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 901, by Senator Libous, Senate Bill Number 4588, an act to amend the Public Health Law, in relation to requiring consent for visual observation.

ACTING PRESIDENT KUHL: Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 41. Nays 3. Senators DeFrancisco, Kuhl, and Maltese recorded in the negative.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 932, by Senator Libous, Senate Bill Number 7033, an act to amend the State Finance Law.

ACTING PRESIDENT KUHL: Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 787 -- excuse me -- 987, by Senator Libous, Senate Bill Number 5440B, an act to amend the Education Law, in relation to vocational rehabilitation.

ACTING PRESIDENT KUHL: Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1035, by Senator Libous, Senate Bill Number 6929A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT KUHL: Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1036, by Senator Libous, Senate Bill Number 7032, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT KUHL: Clerk

will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 42. Nays 2. Senators Kuhl and Velella recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1038, by Senator Libous, Senate Bill Number 8362, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT KUHL: Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1094, by Senator Cook, Senate Bill Number 2845, Real Property Tax Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1097, by Senator Libous, Senate Bill Number 6991, Executive Law, in relation to the Office of Advocate for Persons with Disabilities.

ACTING PRESIDENT KUHL: Clerk will read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1118, by Senator Libous, Senate Bill Number 5056, an act to amend the Tax Law, in relation to authorizing a tax credit for employing individuals with disabilities.

ACTING PRESIDENT KUHL: Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present, is it your

desire to return to regular order?

SENATOR PRESENT: Regular order.

ACTING PRESIDENT KUHL: Senator Farley.

SENATOR FARLEY: Yes, Mr. President. If we might return to motions. I would like to put a sponsor star on Calendar 1032 and 1033.

I would also like to be recorded in the negative on Calendar 901.

ACTING PRESIDENT KUHL: Without objection, Senator Farley will be recorded in the negative on Calendar Number 901. Sponsor's stars will be placed on Calendars Number 1032 and 1033.

Senator Wright.

SENATOR WRIGHT: Mr. President. I was away on Senate business when the vote on Calendar 1004, Senate Print S.3302A was taken. I would like the record to reflect that had I been in the chamber when the vote was taken, I would have voted in the affirmative on Calendar 1004.

ACTING PRESIDENT KUHL: The record will so indicate, Senator Wright.

Clerk will read regular order.

THE SECRETARY: On page 31, Calendar Number 1044, by Senator Cook, Senate Bill Number 7185, Agriculture and Markets Law, in relation to agricultural practices.

ACTING PRESIDENT KUHL: Senator Oppenheimer.

SENATOR OPPENHEIMER: This bill before us would amend the Ag and Markets Law; and in doing so, would specifically designate aerial spraying of pesticides as a sound agricultural practice. In so doing, this bill would restrict the legal options available to adjacent property owners who have been in voluntarily exposed to this potential serious health threat.

The likelihood of exposure with this aerial application is very high. Neighbors who live in close proximity will have absolutely no control and, indeed, their legal options would be restricted. There's drifting wind

conditions.

I mean if we just look back at our history, during the '50s and '60s, there was aerial spraying of DDT, and we were all assured that it was absolutely safe, and it was years later that DDT got banned after considerable and serious damage to neighbors and families in the proximity of that spraying.

Pesticides have well-documented toxic effects, and we know that some are expected carcinogens and that some have -- they inhibit immunity, they cause reproduction problems, behavioral problems, growth problems.

We're not talking about neighbors being bothered by the smell of manure or noise from a tractor or mower. We are talking about something that is seriously very potential - potentially very serious problem.

And I think we have to think twice about restricting legal options for property owners who through no determination on their own part are subjected to aerial spraying of pesticides.

So I will be voting no, and I can tell you that the Environmental Planning Lobby feels very strongly about this, also.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the bill?

Senator Cook.

SENATOR COOK: Mr. President. Aerial spraying like all other spraying or all other use of insecticides or herbicides or any type of chemicals in agriculture or any other endeavor in this state is very rigidly controlled by the Department of Environmental Conservation.

Aerial sprayers like everybody else have to have licenses. They have to conform to very strict regulations in terms of what they use, how they use it, the conditions under which they can fly and spray, the condition under which certain chemicals can be utilized. The regulations are extremely rigid.

Balanced against that, is the need that all of us have for one of the basic needs of life which is food, and, indeed, in

today's society, the aerial sprayer is almost as basic in some farm operations as the plow used to be; because with the kind of operations that we have today in producing food, we need to be able to use the airplane as a means of controlling the various pests that may threaten the growth of our very food resource.

Mr. President. This is not as some people try to envision it a thing that's going to let people fly all over and dump all kinds of stuff on people's heads. As I said before, the aerial sprayer is under very rigid regulation. There are penalties in place if they do not follow those regulations.

It is done in an entirely safe manner. If we are going to have an agricultural in this state, we must enable them to use the tools that are at their disposal.

For that reason, the bill ought to be passed.

ACTING PRESIDENT KUHL: Senator Oppenheimer.

SENATOR OPPENHEIMER: Will

Senator Cook yield to a question?

ACTING PRESIDENT KUHL: Senator Cook, will you yield?

SENATOR COOK: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR OPPENHEIMER: The question is, if it is so safe and so well controlled, then why are we restricting the legal options of the neighbors, the surrounding environment?

SENATOR COOK: Mr. President. "Right to Farm" legislation has been something that we have been some time in trying to develop in this state.

Growth and development are a mixed bag. Because, at one time, places that were farm communities have now grown up with a lot of residents. These residents come from areas of the state where they have not been used to farms. They haven't been used to the odors. They have not been used to the sounds of tractors; and, indeed, they haven't been used to

the sound of airplanes flying over their head at 7:00 o'clock in the morning, which is the major concern that seems to be there.

And these cases, utilize the lawsuit as a means to simply harass the farmer. And all this bill does is basically put the presumption there that as long as the farmer is complying with the law, complying with the regulations, that he is going to be free to continue to do the things that have to be done to produce the food that all of us consume in this state.

So it is not a matter that we are protecting somebody, indemnifying anybody against anything. It is simply a presumption that so long as people comply with the law and do the things that the regulations tell them that they have to do that they have a right to do that free from harassment.

SENATOR OPPENHEIMER: Would the Senator yield for one more question?

ACTING PRESIDENT KUHL: Senator Cook, do you continue to yield?

SENATOR COOK: Yes.

ACTING PRESIDENT KUHL: Senator does.

SENATOR OPPENHEIMER: Are you aware that it is likely we will be receiving a memo from the DEC opposing this?

SENATOR COOK: Mr. President. I sometimes find DEC to be a little curious, because in the one case where I am aware of, they have been tearing their hair out, as well, because one particular farm that has been harrassed in the manner that I spoke of has been actually utilized by DEC as a training location. Their operation has been so good that DEC has used them as a means of showing other people how they ought to be doing it; and yet that very farm is the one that some people have chosen to harass because, as I said, there is a certain inconvenience.

Now, the point is that the individuals who are upset with this operation have been rather recent arrivals on the scene; and that, indeed, people weren't flying

airplanes over at the time that they came there, but there was a farm there at the time.

And DEC has probably felt obligated because of certain pressures put on them to oppose this; but, frankly, they have been involved in the same kind of frustration that the farmer has been involved in, in this case, because they have been there time after time on complaints from people and found that the complaints were absolutely unfounded. The farmer was doing absolutely everything exactly the way he was supposed to be doing it, and yet he continues to be harrassed.

SENATOR OPPENHEIMER: Thank you, Senator.

ACTING PRESIDENT KUHL: Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce

their results.

THE SECRETARY: Those recorded in the negative on Calendar 1044 are Senators Dollinger, Espada, Galiber, Gold, Goodman, Jones, Ohrenstein, Oppenheimer, and Solomon. Ayes 35. Nays 9.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1093, by Senator Cook, Senate Bill Number 2547, an act to amend the Labor Law, in relation to safety and health standards for public employees.

SENATOR GOLD: Yes, Mr. President. Will the Senator be kind enough to give us one more day. I will go with it Monday if you want.

SENATOR COOK: Okay.

SENATOR GOLD: Thank you so much.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar number 1096, by Senator Bruno, Senate Bill Number 6937,

an act to amend the Racing Pari-Mutuel Wagering and Breeding Law.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT KUHL: An explanation has been asked for.

Senator Bruno, an explanation has been asked for to Calendar Number 1096 by Senator Dollinger.

SENATOR BRUNO: Yes, Mr. President.

This is a local bill. Pertains only to the Saratoga Race Track, and it exempts seasonal employees from the licensing procedures that are requested of annual employees.

Up until now, college students, retired people who work at the Saratoga track have never had to be fingerprinted. They've never had to buy a license for 62.50, and the Racing and Wagering Board for some reason or another has interpreted the rules recently to state that these seasonal employees now have to give up a week's pay out of five weeks to get licensed.

Now, these people cut the grass. They keep the place clean. They are waitresses, waiters, that kind of thing. So it seems ludicrous that we would after all of these years be requiring these people to be fingerprinted and paying a week's pay to work five weeks. And I say ludicrous because I'm being kind.

That's the explanation, Mr. President. And I urge the support of everyone in this chamber for this very well-intentioned piece of legislation.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. Will the sponsor yield to a question?

ACTING PRESIDENT KUHL: Senator Bruno, will you yield to a question?

SENATOR BRUNO: Yes. Yes, Senator.

ACTING PRESIDENT KUHL: Senator Bruno yields.

SENATOR DOLLINGER: Senator, so I

understand this, what was the rationale of the Racing and Wagering Board in issuing that determination?

SENATOR BRUNO: The law presently reads that it is at their discretion that they can require the seasonal employees to be licensed, and they have in their discretion not required it until this year. And Saratoga has had a four-week racing season, and it has been extended to a five-week racing season. And when they did that, I guess they re-examined and moved in this direction.

I talked to the chair of the Racing and Wagering Board, and he and his counsel said that they feel that they need legislative clarification so that they wouldn't have to move in this direction, and we also have a letter from the chair of NYRA supporting this because the income is inconsequential. There are practical no fiscal ramifications to this.

So, after talking to the Racing and Wagering Board and to the NYRA people and to many of the employees and their representatives

up there, we decided that the way to correct this would be to put in this legislation, so that's how it got here.

SENATOR DOLLINGER: Just one final question, Mr. President. If the sponsor will continue to yield.

ACTING PRESIDENT KUHL: Senator Bruno, do you continue to yield?

SENATOR BRUNO: Yes.

ACTING PRESIDENT KUHL: Senator Bruno yields.

SENATOR DOLLINGER: The theory that a seasonal employee should have to pay this cost, wouldn't that also apply to other summertime employees at other tracks across the state, students and people who are serving short periods of time?

I understand because of the special five-week or four-week session at Saratoga, it's a slightly different situation, but, certainly, a summertime employee, a college student anywhere, would have the same argument; one that you've outlined, that they are only

there for a short period of time and they shouldn't have to pay this cost for this short tenure of work. Isn't that correct.

SENATOR BRUNO: That could be correct. I wouldn't want to be making judgments about Belmont or Aquaduct. I would think those people that are closest to that situation would want to make a judgment on whether or not this might be extended, but that could very well be correct.

But we were applying this directly to Saratoga because that's in my district, and, as I mentioned earlier, the seasonal employees have never been required to pay anything like this. They have never been required to get a license, and this was new. And in order to correct it, we've introduced the legislation.

SENATOR DOLLINGER: Thank you.

ACTING PRESIDENT KUHL: Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR MARKOWITZ: Mr. President.

ACTING PRESIDENT KUHL: Senator Markowitz.

SENATOR MARKOWITZ: I ask to be recorded in the negative on Calendar Number 1044.

ACTING PRESIDENT KUHL: Without objection, Senator Markowitz will be recorded in the negative on Calendar Number 1044.

Clerk will continue to read the controversial calendar.

THE SECRETARY: Calendar Number 1099, by Senator Rath.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the

bill aside for the day.

THE SECRETARY: Calendar Number 1104, by Senator Johnson, Senate Bill Number 7837A, an act to amend the Executive Law.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT KUHL: Senator Johnson. Senator Dollinger has asked for an explanation.

SENATOR JOHNSON: Mr. President. This is a bill that's an outgrowth of the Department of State -- rather Governor's Task Force on Coastal Resources which is coordinated by the Department of State, and one of their recommendations was that coordination between various agencies of dredging projects would be beneficial to the waterways surrounding our island and our state.

This board was setup to set up this clearing house under the authority of the Department of State, and they talk about possible misuse of valuable sand supplies for nonrelated shoreline projects, excessive delays in completing simple maintenance dredging

because suitable spoil sites remain unidentified, inability of dredging sponsor to take advantage of combining their projects to reduce the cost.

Many other thoughts have gone into this saying it might be a desirable thing to have a program for coordinating and advising, in this case. And, of course, we include on this board various other states agencies such as Environmental Conservation, General Services, Parks Recreation, and so forth.

And I say, based on their recommendation, I introduced this bill and it's here before us today.

ACTING PRESIDENT KUHL: Chair recognizes Senator Oppenheimer.

SENATOR OPPENHEIMER: This is really a very essential bill. I can speak to it from my prior life when I was the mayor of a village that had a large harbor and that required dredging about once every ten years. This is essential that we have this clearing house for those communities that are on the

water and that do have to keep federal passageways open.

It's a wonderful bill, and I commend the Senator on it.

ACTING PRESIDENT KUHL: Senator Dollinger on the bill.

SENATOR DOLLINGER: Mr. President. Will the sponsor yield just to one question?

ACTING PRESIDENT KUHL: Senator Johnson, do you yield to Senator Dollinger?

SENATOR JOHNSON: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator Johnson yields.

SENATOR DOLLINGER: Senator Johnson, the reason why I laid this bill aside and I wanted to ask the question, is just to make sure that it applies to the Great Lakes as well as to our coastline on Long Island Sound or on the ocean.

Is that in fact the case, that is to be a statewide clearing house that would deal

with dredging issues throughout the state, and not just on the Island.

SENATOR JOHNSON: Yes, it is Senator.

SENATOR DOLLINGER: Okay. Thank you.

The reason why I raise that issue is because up on the Great Lakes in the Town of Greece, which I represent in Braddocks Bay, we have to dredge every single year because of the build up of silt at the entrance to Braddocks Bay, which is one of the very shallow harbors right off the -- the -- Lake Ontario.

What's interesting about it is, the reason why it's so critical, is because there's a marina inside the bay for which the town and the state and DEC have worked to establish a rental agreement. The rent, the rental income is used by the town to buy, preserve and defend the integrity of the rest of the wetlands in the back, in the southern portion of the bay.

And if we don't have the channel

open on a consistent basis, we lose the derivative income from the operation of the marina. And I've had several meetings this spring with the marina operators with representatives of the town because we're going to have to dredge the channel again.

We have been able to dredge it every year. The equipment is getting older. It's a very significant expense, as I'm sure Senator Johnson knows. And to have this kind of dredging commission set up I think is a great idea. In fact, if we do make it into law, I certainly will be writing them a letter to have them consider Braddock Bay as one of their first projects.

I thank the Senator for bringing this forward. I think it's a good bill, and I'll be voting in the affirmative.

SENATOR JOHNSON: Thank you, Senator.

ACTING PRESIDENT KUHL: Senator Johnson on the bill.

SENATOR JOHNSON: I appreciate

your support. I'd just like to let you know that we also include the Army Corps of Engineers, New York City and Buffalo District, and, of course, they would be an integral part of this. We can't require them to participate, but we welcome their participation in the discussions.

Thank you.

ACTING PRESIDENT KUHL: Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar number 1112, by Senator Daly, Senate Bill Number 8262, an act to amend the Education Law, in relation to courses of instruction and patriotism.

ACTING PRESIDENT KUHL: Senator

Dollinger.

SENATOR DOLLINGER: Senator Daly yield to a question?

ACTING PRESIDENT KUHL: Senator Daly do you yield to Senator Dollinger's question?

SENATOR DALY: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR DOLLINGER: First of all, Senator, what information or what evidence do we have that this is not being done in our public schools? Is there any suggestion or any understanding that you have that this type of education is not being done in our schools.

SENATOR DALY: Not really, Senator. I don't think the reason I'm putting the bill on the floor is because it's not being done in the classrooms. I'm concerned about something that's becomimg more and more prevalent in this country and that's revision of historical text.

In many cases, the mention of the Creator, of God, are stricken from texts and also there is the problem, the possibility, that if we allow if someone wishes to do so, he can take exception to the posting of let us say the Preamble of the Constitution or the words of Patrick Henry or the words of any historical document that I mention in the bill because they mention God, mention Creator.

And there are instances, examples, of where people have taken exception in schools of the posting of the Preamble of the Constitution, of as I said the words of Patrick Henry, because they mention the Creator. They mention God.

There also is obviously a new - let me begin. There also is obviously a revision of text occurring in our textbooks and our history books, where reference to the Creator, to the Almighty, is deleted.

And I think it's important that we maintain the integrity of our historical documents and that our young people be exposed

to all of the words that are in those historical documents. And that revision of those historical documents, which is creeping up on us right now, will creep up even faster. And before we know it, we will not have available for our young people those historic documents unedited and unrevised. Because I believe those documents are sacred, they should be protected; and those documents in toto should be available to the young people who are being educated in our school system.

SENATOR DOLLINGER: Mr. President. Just one other question.

ACTING PRESIDENT KUHL: Senator Daly, do you continue to yield?

SENATOR DALY: Certainly.

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR DOLLINGER: Senator, when you make the reference to content-based censorship, is that what you're making reference to, the comments that you just made a moment ago regarding the deletion or removal of certain

terms and references from those documents?

SENATOR DALY: Yes, I am.

ACTING PRESIDENT KUHL: Senator Jones.

SENATOR JONES: Yes, would the Senator yield to a question, please?

ACTING PRESIDENT KUHL: Senator Daly, do you yield to Senator Jones?

SENATOR DALY: Certainly, Mr. President.

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR JONES: I certainly agree with you, Senator Daly. I'm just a little concerned because I heard you say unrevised. Actually, the Pledge of Allegiance did not include God. We added it in. I hope this will not give someone an option under this to remove it, because it really was not in the original version.

SENATOR DALY: Senator, I agree with you, but I also believe that we should not revise the Preamble of the Constitution, and I

don't think we should revise the quotations, the statements of many of our historical heros, Revolutionary heros, as I said before, like Patrick Henry or Nathan Hale. I don't think we should revise the version of the Mayflower compact.

Those documents should remain as they were written, and that's basically what this bill says. Teachers, school districts, may allowed teachers to post the unrevised version of any of these historical documents because it's so important to our nation.

I wouldn't want to change one of those documents one word. I think it's a complete and utter violation, which we have to protect against.

SENATOR JONES: On the bill.

ACTING PRESIDENT KUHL: Senator Jones on the bill.

SENATOR JONES: I totally agree with Senator Daly, and I would not want any of those deleted. I just am concerned that the same people who might want to do this would

bring up this point that we actually did revise the Pledge and add God. It's very important that it stays in there as well as all the other documents in its original form.

I would just caution that hopefully this would not be a result.

ACTING PRESIDENT KUHL: Clerk will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present, that completes the controversial calendar, sir.

SENATOR PRESENT: If there is no housekeeping and Mr. Cornell is caught up, fine.

ACTING PRESIDENT KUHL: House keeping?

SENATOR PRESENT: Mr. President.

I would like to call an immediate meeting of the Rules Committee in Room 332, and I ask that the Senate stand at ease awaiting the report of the Rules Committee, at which time, I will adjourn the Senate until Monday at 3:00 p.m. But members should be advised as they were in the past that subject to 24 hours' notice, they may be called.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Rules Committee in the Majority Conference Room, Room 332. The Senate will stand at ease awaiting the report of the Rules Committee.

Senator Dollinger.

SENATOR DOLLINGER: Just so I understand. Is it the intention of the Rules Committee to report and that there will be no further action taken on the Rules Committee report?

ACTING PRESIDENT KUHL: Your intention is correct. The Senate will stand at ease.

(Whereupon, at 12:56 p.m., Senate

reconvened.)

(Whereupon, Senator Johnson was in the chair.)

ACTING PRESIDENT JOHNSON: Senate will come to order.

I recognize Senator Present.

SENATOR PRESENT: Mr. President. Before we start, I would like to return to motions.

On behalf of Senator Sears, I would like to move to amend Senate Bill 8321A by striking out the amendments made on 6-1 and restoring it to its original Print Number 8321.

ACTING PRESIDENT JOHNSON: Without objection, so ordered.

SENATOR PRESENT: Mr. President. Return to report of standing committees and receive that report.

THE SECRETARY: Senator Marino from the Committee on Rules reports the following bills directly for third reading:

Senate Bill 6497, by Senator Stafford, Environmental Conservation Law.

6716B, by Senators Larkin and Stafford, Local Finance Law.

6942, by Senator Wright and others, an act to amend the Executive Law and the State Administrative Procedure Act.

6990, by Senators Libous, DeFrancisco and others, Criminal Procedure Law.

7164, by Senator Lack, an act to amend the Highway Law.

7166, by Senator Lack, an act to amend the Public Authorities Law.

7421A, by Senators Spano and Wright, an act to amend the Labor Law.

7583, by Senator Hannon and others, Environmental Conservation Law.

7719, by Senators Larkin and Holland, Real Property Tax Law.

7765, by Senator Gold and others, an act to amend the Education Law.

7886A, by Senator DeFrancisco, authorize the Town of VanBuren to convey to James and Ginger Rudick easement through land.

7919, by Senator Sears, Education

Law, in relation to pupil tests.

7950, Senator Marino and others, an act to amend the Penal Law and the Vehicle and Traffic Law.

8156, by Senator Cook, Education Law.

8344, by Senator Holland, an act to amend the Penal Law.

8493, by Senator Sears, an act to amend the Tax Law.

8519, by Senator Rath, New York State teachers retirement system.

8523, by the Committee on Rules, an act to amend the Tax Law.

8524, by Senator Cook, authorize the Town of Andes to transfer certain funds.

8525, by the Committee on Rules, an act to amend the Vehicle and Traffic Law.

And, 8526, by the Committee on Rules, an act to amend the Local Finance Law.

All bills reported directly for third reading.

SENATOR LEVY: Mr. President.

ACTING PRESIDENT JOHNSON: Without objection third reading.

SENATOR PRESENT: Mr. President. Would you recognize Senator Levy.

ACTING PRESIDENT JOHNSON: Senator Levy.

SENATOR LEVY: Yes. I request unanimous consent to be recorded in the negative on Calendar 1044.

SENATOR PRESENT: No objection.

SENATOR LEVY: Thank you.

SENATOR PRESENT: Mr. President. There being no further business, I move that we adjourn until Monday, June 6, at 3:00 p.m. intervening days to be legislative days. The members should be advised that they are subject to a 24 hour call from the Majority Leader for a session.

ACTING PRESIDENT JOHNSON: Senate adjourned.

(Whereupon, at 1:00 p.m., Senate adjourned.)