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ALBANY, NEW YORK

March 13, 1995

3:00 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

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

ACTING PRESIDENT KUHL: The Senate will come to order, ask the members to find their places, staff to find their places. Ask all those in the gallery and the members to rise and recite the Pledge of Allegiance with me.

(The assemblage repeated the Pledge of Allegiance to the Flag.)

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

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Sunday, March 12th. The Senate met pursuant to adjournment, Senator Farley in the Chair. The Journal of Saturday, March 11th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, I am curious. I would like to know whether or

1 not a message from the Assembly that would have
2 indicated a special session for Tuesday of this
3 week was included in the Journal for last
4 Thursday, which is the one that we just read.

5 ACTING PRESIDENT KUHL: The desk
6 informs me that it was not, Senator Paterson.

7 SENATOR PATERSON: Mr. President,
8 we are informed that the message from the
9 Assembly was delivered to the Senate at
10 approximately 6:00 p.m. Wednesday evening, and
11 so, if it's not in the Journal, with your
12 permission, Mr. President, I would like to yield
13 to Senator Stachowski who would read that
14 message such that we can at least make a record
15 of the fact that we believe it was submitted.

16 SENATOR SKELOS: Mr. President.

17 ACTING PRESIDENT KUHL: Senator
18 Skelos.

19 SENATOR SKELOS: A point of
20 order. The Chair has indicated that the message
21 from the Assembly was not in the Journal, so I
22 see no reason for this message now to be read if
23 the Senate has been informed that it's not been

1 filed in the Journal.

2 SENATOR STACHOWSKI: Mr.
3 President.

4 ACTING PRESIDENT KUHL: Senator
5 Stachowski.

6 SENATOR STACHOWSKI: Can we
7 inquire then if it was -- if it was signed for
8 by Mary Carey at the Senate desk on Wednesday
9 night, then why was it not included in
10 Thursday's Journal?

11 ACTING PRESIDENT KUHL: For those
12 members' information, particularly Senator
13 Stachowski and Senator Paterson, I'm informed by
14 the members at the desk here, the Secretary,
15 that it is never and never has been referenced
16 in the past, so at this point it would be my
17 ruling that the Journal essentially is accurate
18 as it has been in the past.

19 SENATOR PATERSON: And -

20 ACTING PRESIDENT KUHL: Also,
21 Senator Paterson, I'm informed by the desk that,
22 in fact, the Journal that we're referring to now
23 is the last Journal, and it was not last

1 Thursday's, that there has been a subsequent
2 session since that time when Senator Farley was
3 in the chair; so that regards to the Journal
4 reference, it's not the last one, not the one
5 when the Journal would have been reported.

6 SENATOR PATERSON: Well, Mr.
7 President, Mr. President, I understand -

8 SENATOR SKELOS: Mr. President, I
9 believe that a point of order has been raised.
10 Mr. President, I believe a point of order has
11 been raised.

12 ACTING PRESIDENT KUHL: Yes.
13 Again, Senator Paterson, if you recall what the
14 Journal or what the clerk -- the Secretary,
15 excuse me, read, the reference was to the
16 Journal of Saturday, March 11th. This was as a
17 result of the session on Sunday, March 12th, so
18 the motion on the floor is to accept the Journal
19 as read.

20 SENATOR SKELOS: Mr. President, I
21 would at this point withdraw my motion, my point
22 of order, I'm sorry, my point of order.

23 ACTING PRESIDENT KUHL: The point

1 of order is withdrawn. The motion on the floor
2 is to accept the Journal as read.

3 All those in -

4 SENATOR PATERSON: Mr. President.

5 ACTING PRESIDENT KUHL: Senator
6 Paterson, on the motion.

7 SENATOR PATERSON: Mr. President,
8 on the motion.

9 I understand that the motion that
10 was read into the -- pertaining to the Journal
11 today is for Saturday, March 11th. That was a
12 real tough day. I'm sure we all accept it, but
13 the last day that we were actually here -- in
14 other words, that was an intervening legislative
15 day. The last day that we were present was
16 Thursday, March the 9th. On Friday, March the
17 10th, I'm sure we approved the Journal for
18 Thursday, March the 9th. It's just that when we
19 approved it, we weren't sitting here, so -

20 SENATOR SKELOS: Mr. President,
21 again I'll have to raise my point of order. If
22 we're correcting a reading of the Journal, I be
23 lieve it would be for Saturday, this past Satur

1 day, not from last Wednesday or last Thursday.

2 ACTING PRESIDENT KUHL: Senator
3 Paterson, is -- do you understand the process
4 here? We have a motion on the floor to accept
5 the reading of the Journal, the reading of the
6 Journal being that which was read on Sunday,
7 March 12th, and your point relative to whether
8 or not a message from the Assembly was included
9 in that, I think, has been addressed by Senator
10 Skelos and myself in that it would have been
11 done prior to that, in a prior session, so if -
12 if you're insisting that, or if you're objecting
13 to the reading of or the acceptance of the
14 Journal as read, then I'll take a vote on the
15 motion. If you're not, then we'll simply note
16 your remarks for the record.

17 SENATOR PATERSON: Mr. President,
18 I don't -- I've not determined whether or not
19 I'm going to object to the reading of the
20 Journal, the acceptance of the Journal. I'm
21 just asking the question whether or not this
22 message, which actually arrived on Wednesday,
23 March 8th, what I'm saying, Mr. President, is

1 that I don't have a remedy.

2 In other words, can you tell me
3 when I could have objected to it if -- when I'm
4 standing here today we are actually referring to
5 Saturday's session? I would have had to come
6 here Friday, I don't know what time the session
7 started that day, to object to Thursday's
8 Journal and on Thursday, I could have asked had
9 it been received on Wednesday evening, but I
10 couldn't have known that because we were -- we
11 were actually accepting Wednesday's Journal
12 which we accepted, because that occurred before
13 the time that the message that I'm holding in my
14 hand was actually received.

15 So I'm just asking the question,
16 Mr. President, in the spirit of cooperation, as
17 to whether or not the desk ever received this
18 message from the Assembly. I'm just trying to
19 resolve that, and once I know that, I would know
20 whether or not I want to object to the -

21 SENATOR SKELOS: Well, Mr.
22 President.

23 ACTING PRESIDENT KUHL: Senator

1 Skelos.

2 SENATOR SKELOS: I think we can
3 -- we're dealing with the reading of the
4 Journal. If we want to question whether a
5 message was received from the Assembly, we can
6 do that under messages from the Assembly. Right
7 now we're dealing with the Journal of Sunday, so
8 if you have corrections to the Journal of
9 Sunday, that's one thing. If you want to deal
10 with messages from the Assembly, that's another
11 issue.

12 SENATOR PATERSON: Well, Mr.
13 President.

14 ACTING PRESIDENT KUHL: Senator
15 Paterson.

16 SENATOR PATERSON: I have an
17 idea. Why don't I argue your side of this
18 debate? Let's say we wait until messages from
19 the Assembly, and I try to mention this as a
20 message from the Assembly and I'm then corrected
21 that the message from the Assembly, the message
22 we're referring to, are actually from today
23 which is March 13th. That's the exact same

1 argument that would defeat me on messages from
2 the Assembly that are -- that are beating me
3 right now on the issue of the Journal.

4 What I'm just simply asking is,
5 at what point in this deliberation can I raise
6 the issue of the fact that I believe that the
7 message was delivered to the desk? I honestly
8 believe that. I have it here. We have a
9 signature from someone who represents the Senate
10 indicating that that message actually got here,
11 and all I'm asking, Mr. President, is when can I
12 put in the record what the message actually
13 says? Is there any point that I can put that in
14 the record today under our rules that we think
15 that the message has said? I think that we can
16 do that right now.

17 SENATOR SKELOS: Well, again if
18 we -- if we -- if we -

19 ACTING PRESIDENT KUHL: Senator
20 Skelos.

21 SENATOR SKELOS: If we complete
22 -- if you're looking to correct the Journal of
23 Sunday, that's one thing. You want to go to

1 messages from the Assembly and perhaps raise
2 that issue, then I think that would be a more
3 appropriate time.

4 SENATOR GOLD: Mr. President.

5 ACTING PRESIDENT KUHL: Senator
6 Gold.

7 SENATOR GOLD: May I make an
8 inquiry of the Chair?

9 ACTING PRESIDENT KUHL:
10 Certainly.

11 SENATOR GOLD: The -- the minutes
12 that we're being asked to approve are yester
13 day's minutes then?

14 ACTING PRESIDENT KUHL: Yes.

15 SENATOR GOLD: And I assume that
16 yesterday there was some business of the Senate
17 and the Senate approved the minutes of the day
18 -- the Journal of the day before that or some
19 other day; is that correct?

20 ACTING PRESIDENT KUHL: That's
21 correct.

22 SENATOR GOLD: Well, my inquiry
23 of the Chair is, if I were to have come

1 yesterday and, as the clerk read the Journal, I
2 stood up and asked for a quorum call and it was
3 determined that there was no quorum, I would
4 assume that we could not have done any business.
5 We may not even have had a legislative day. If
6 I'm accurate, that means that from here on in
7 for the rest of time, if a Democrat were to show
8 up on one of your legislative days and call for
9 a quorum, we could really make some changes in
10 the practices of this house.

11 Now, I'm not saying we want to do
12 that, but it seems to me that whether we're
13 talking about the Journal of yesterday or
14 whether we're talking about the Journal of five
15 days ago, that the Deputy Majority -- Minority
16 Leader asked the question, and that question is
17 a proper question and we can avoid a lot of
18 procedural hocus-pocus if the simple courtesy is
19 given to answer his question and that is,
20 basically, if I understand it, whether or not
21 this house acknowledges that a message was sent
22 by the Assembly over to this house and was at
23 some point acknowledged formally by this house

1 and whether it was yesterday's Journal or
2 Thursday's Journal, I don't think that's
3 important. I think we don't want to get
4 involved in a hysterical procedural situation,
5 but you might be forcing that by telling the
6 leader of our side that he can or cannot get the
7 answer to a question.

8 So come to think of it, I guess I
9 don't have a question, Mr. President.

10 ACTING PRESIDENT KUHL: Senator
11 Paterson.

12 SENATOR PATERSON: Mr. President,
13 I think that amplifies my feeling on this
14 particular issue. I think we all know that, for
15 purposes of cooperation, that the days between
16 our last session day every week and the first
17 session day next week are what we call
18 intervening legislative days when we're all
19 running out of the chamber and the Majority
20 Leader is saying "there being no further
21 business, the Senate will adjourn until 3:00
22 p.m., Monday, March the 13th, all days being
23 legislative days intervening."

1 That's what that refers to. But
2 the point is that it's almost in the spirit of
3 cooperation that we all understand that we're
4 actually not in the chamber. What I am suggest
5 ing is that because of that it's being asserted
6 now in a way such as not to allow me to seek the
7 answer to my question which continues to be
8 whether or not the Senate is acknowledging
9 receiving the message from the Assembly which we
10 maintain arrived at 6:00 p.m. March the 8th,
11 which was Wednesday and was signed for by Mary
12 Carey.

13 ACTING PRESIDENT KUHL: Well,
14 Senator Paterson, I thought that the Chair had
15 answered your question, and the answer was and
16 it was acknowledged, I think, by the people here
17 at the desk, and that was that a message was
18 received from the Assembly on Thursday morning,
19 that it was not referenced in the next Journal
20 or in today's Journal because it has been the
21 practice not to do that, so that is the answer
22 to your question.

23 Now, we're not dealing with that

1 acceptance of that day's Journal. We're dealing
2 with the acceptance of the Journal of yesterday,
3 March 12th. That is the motion before the
4 floor, so if we're hearing no objection to
5 yesterday's Journal, then the Journal stands
6 approved as read.

7 Senator Paterson.

8 SENATOR PATERSON: Well, Mr.
9 President, that was all I was seeking, an
10 acknowledgement from this body that we received
11 a message. Whether or not it's our procedure to
12 put it in the Journal is a procedural decision
13 that we make. You have answered my question and
14 I will not oppose the motion to accept the
15 Journal, and I thank you very much for the
16 answer.

17 ACTING PRESIDENT KUHL: Journal
18 stands approved as read.

19 Presentation of petitions.

20 Messages from the Assembly.

21 Messages from the Governor.

22 Reports of standing committees.

23 Reports of select committees.

1 Communications and reports from
2 state officers.

3 Motions and resolutions.

4 Senator Tully.

5 SENATOR TULLY: Yes, Mr.

6 President.

7 On behalf of Senator Lack, on
8 page 13, I offer the following amendments to
9 Calendar Number 115, Senate Print Number 985,
10 and ask that said bill retain its place on the
11 Third Reading Calendar.

12 ACTING PRESIDENT KUHL: Amend
13 ments are received and adopted. Bill will
14 retain its place on the Third Reading Calendar.

15 Senator Tully.

16 SENATOR TULLY: Yes, Mr.

17 President.

18 On behalf of Senator Goodman, on
19 page 6, I offer the following amendments to
20 Calendar Number 97, Senate Print Number 926, and
21 ask that said bill retain its place on the Third
22 Reading Calendar.

23 ACTING PRESIDENT KUHL: Amend

1 ments are received and adopted. Bill will
2 retain its place on the Third Reading Calendar.

3 SENATOR MARKOWITZ: Mr.
4 President.

5 ACTING PRESIDENT KUHL: Senator
6 Markowitz.

7 SENATOR MARKOWITZ: Thank you.
8 Thank you for allowing me to express a few
9 words.

10 Last week during Senate Calendar
11 Number 68, S. 211, I must have run out of the
12 chamber for a moment and was not particularly
13 following the debate and, if I may, I rise today
14 to express my opposition in allowing the
15 military to recruit on State University campuses
16 because it perpetuates and condones discrimina
17 tion against gay and lesbian students on State
18 University campuses.

19 While I should have expressed my
20 opposition to this measure when it was initially
21 debated and I should have known that this was
22 such an important and intense issue for the
23 lesbian and gay and my community of the state, I

1 looked at the bill from a different
2 perspective.

3 I looked at the bill from the
4 perspective that the military recruitment on our
5 state campuses would expand the opportunities
6 afforded to some inner city African-American
7 youth. Such opportunity would increase the
8 disadvantaged students' career, path choices and
9 provide these young people the education and
10 discipline at an early age -- early enough age
11 to save them from the consequences of street
12 life.

13 However, I am vehemently opposed
14 to the military's ban on including gays and
15 lesbians among their ranks and for as long as
16 the United States military continues to uphold
17 this policy of discriminating against this group
18 of people, I can not and will not support the
19 bill.

20 I am addressing -- I have
21 addressed the Congressional chairs in Washington
22 on this issue previously, and now I am mention
23 ing it here in the Senate. I find it deplorable

1 that this nation's military would institutional
2 ize discrimination, and I strongly feel that the
3 state must not allow taxpayer-supported
4 facilities to be used as a vehicle to sanction
5 overt discrimination.

6 Had I been listening a hundred
7 percent with both ears last week, I would have
8 voted "no" on Senate 211 because it's the right
9 thing to do. Thank you.

10 ACTING PRESIDENT KUHL: Without
11 objection, the record will reflect that, had
12 Senator Markowitz been present in the chamber,
13 he would not have been recorded in the
14 affirmative but would have voted in the
15 negative.

16 Thank you.

17 Senator Skelos.

18 SENATOR SKELOS: Yes, if there
19 are no other motions, could we go to the
20 non-controversial calendar.

21 ACTING PRESIDENT KUHL: Secretary
22 will call the non-controversial calendar.

23 THE SECRETARY: Calendar Number

1 31, by Senator Velella, Senate 19-A, an act to
2 amend the Insurance Law in certain insurance
3 premium reductions.

4 ACTING PRESIDENT KUHL: Secretary
5 will read the last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect on the 1st day of
8 January.

9 ACTING PRESIDENT KUHL: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 49.

13 ACTING PRESIDENT KUHL: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 53, by Senator Rath, Senate Bill Number 208-B,
17 an act to amend the Criminal Procedure Law, in
18 relation to prohibiting issuance of an order on
19 bail upon conviction of a sex offense against a
20 child.

21 SENATOR LEICHTER: Lay it aside.

22 ACTING PRESIDENT KUHL: Lay the
23 bill aside.

1 THE SECRETARY: Calendar Number
2 93, by Senator Farley, Senate 436-A, an act to
3 amend the Alcoholic Beverage Control Law, in
4 relation to the fee for a summer license for a
5 vessel.

6 ACTING PRESIDENT KUHL: Secretary
7 will read the last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect on the 1st day of
10 November.

11 ACTING PRESIDENT KUHL: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 49.

15 ACTING PRESIDENT KUHL: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 103, by Senator Volker, Senate 1186, an act to
19 amend the Education Law, in relation to the
20 practice -

21 SENATOR VOLKER: Lay the bill
22 aside for the day.

23 ACTING PRESIDENT KUHL: Lay the

1 bill aside for the day at the request of the
2 sponsor.

3 THE SECRETARY: Calendar Bill
4 Number 131, by Senator Cook, Senate 418, an act
5 to amend the Environmental Conservation Law, in
6 relation to permitting certain direction signs
7 in the Catskill park.

8 SENATOR PATERSON: Lay aside.

9 ACTING PRESIDENT KUHL: Lay the
10 bill aside.

11 THE SECRETARY: Calendar Number
12 138, by Senator Holland, Senate 466, an act to
13 amend the Social Services Law, in relation to
14 access to the statewide register of child abuse
15 and maltreatment.

16 ACTING PRESIDENT KUHL: Secretary
17 will read the last section.

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

20 ACTING PRESIDENT KUHL: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT KUHL: Excuse

1 me. Roll call will be withdrawn. Lay the bill
2 aside.

3 Senator Skelos, that completes
4 the non-controversial calendar.

5 SENATOR SKELOS: Controversial,
6 please.

7 SENATOR WALDON: Mr. President.

8 ACTING PRESIDENT KUHL: Senator
9 Waldon, why do you rise?

10 SENATOR WALDON: Thank you very
11 much, Mr. President.

12 I was called outside a few
13 moments ago while we were voting on Calendar
14 Number 93. For the record, I would like it
15 recorded that had I been here, I would have
16 voted in the nay, and my reasons for that, if I
17 may explain in 30 seconds, is that we're hurting
18 for revenue in the state in the proposed budget,
19 and though this is just a small diminution of
20 the revenue, it is a diminution of the revenue
21 that will be coming to the coffers of the state
22 of New York, and that compels me to vote in the
23 no.

1 ACTING PRESIDENT KUHL: Without
2 objection -- Senator Skelos, no objection -
3 Senator Waldon will be recorded in the negative
4 on Calendar Number 93.

5 SENATOR SKELOS: No objection.

6 ACTING PRESIDENT KUHL: Secretary
7 will call the controversial calendar.

8 THE SECRETARY: On page 4,
9 Calendar Number 53, by Senator Rath, Senate
10 Print 208-B, an act to amend the Criminal
11 Procedure Law, in relation to prohibiting
12 issuance of an order of recognizance or bail.

13 ACTING PRESIDENT KUHL: Senator
14 Rath, an explanation has been asked for by
15 Senator Paterson.

16 SENATOR RATH: Surely, Senator
17 Paterson.

18 The item in front of you today is
19 somewhat different than one that came before us,
20 I believe it was a week or two ago. This deals
21 with persons who are convicted and awaiting
22 sentencing, would not apply to someone who has
23 been accused but not convicted of a felony sex

1 offense against a child under the age of 18.

2 There was a circumstance in
3 Genesee County last year where a 27-year-old
4 individual was convicted of first degree sexual
5 abuse. The victim was a child under 11 years of
6 age. The defendant was originally charged with
7 first degree rape and subsequently entered a
8 plea of guilty to first degree sexual abuse.

9 After entering a guilty plea, the
10 defendant was released to await sentencing.
11 While awaiting sentencing, the defendant was
12 again arrested and charged with first degree
13 sexual abuse acts committed against a six
14 year-old girl. Now, had that defendant remained
15 in jail while awaiting sentencing, the second
16 incident would not have occurred, and I think we
17 all know that there is a very high recidivism
18 rate among sex abusers, and I think the most
19 important thing we have to remember here is that
20 this is someone who has been convicted.

21 ACTING PRESIDENT KUHL: The Chair
22 recognizes Senator Paterson.

23 SENATOR PATERSON: Thank you very

1 much, Mr. President.

2 Would Senator Rath yield to a
3 question?

4 ACTING PRESIDENT KUHL: Senator
5 Rath, will you yield to a question from Senator
6 Paterson?

7 SENATOR RATH: Yes, certainly.

8 ACTING PRESIDENT KUHL: Senator
9 yields.

10 SENATOR PATERSON: Senator Rath,
11 this may be one of those examples of a
12 particular situation being highlighted to the
13 extent that it will actually influence our law
14 making, and on many occasions and this certainly
15 seems to be one of them, this is very good. But
16 the question I just wanted to ask you on this
17 particular bill would be, what is the standard
18 procedure in most criminal cases at the point of
19 sentencing?

20 What this bill will do is
21 obviously take -- put this into legal mandate
22 and take it away from the sitting judge, and I
23 don't have any real objection to it, but I just

1 wanted to know how it deviates from the
2 standard.

3 SENATOR RATH: Well, generally
4 speaking, the judges feel that they have to
5 grant bail in these cases because these people
6 are not convicted, so I think in the
7 circumstance that we're talking about when
8 someone has been convicted and considering the
9 high recidivism rates of sex offenders, I think
10 that this is the kind of thing we want to
11 safeguard against.

12 ACTING PRESIDENT KUHL: The Chair
13 recognizes Senator Paterson.

14 SENATOR PATERSON: Thank you, Mr.
15 President. That answers my question. Thank
16 you.

17 ACTING PRESIDENT KUHL: Secretary
18 will read the last section.

19 THE SECRETARY: Section 3. This
20 act shall take effect on the 30th day.

21 ACTING PRESIDENT KUHL: Call the
22 roll.

23 (The Secretary called the roll.)

1 ACTING PRESIDENT KUHL: Announce
2 the results when tabulated.

3 THE SECRETARY: Ayes 49.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 131, by Senator Cook.

8 SENATOR PATERSON: Explanation.

9 ACTING PRESIDENT KUHL: Senator
10 Cook, an explanation has been asked for by
11 Senator Paterson.

12 SENATOR COOK: Mr. President,
13 there are a number of reasons why it might be
14 important to have a very detailed discussion of
15 this bill today, so I will try to go back and
16 talk a little bit about the history and the
17 rationale and hopefully set at ease some of the
18 concerns that very many members may legitimately
19 have about the bill.

20 If we remember the Lady Bird
21 Johnson movement, which was to eliminate bill
22 boards, there was a great concern that our
23 scenic highways would be blighted by having

1 garish kinds of big billboards all over the
2 place and that we, in fact, passed federal
3 legislation that limited that on the interstate
4 highways and, indeed, the state Transportation
5 Department has been repeatedly at our door
6 enforcing those laws.

7 I would like to reassure every
8 one, however, that this is not an effort to
9 punch holes in the "Lady Bird Johnson" law, that
10 this indeed is not an effort to put large bill
11 boards in the Catskill Park. In fact, neither
12 is it an effort to be able to advertise
13 automobile sales or real estate agents or any of
14 the other kinds of retail businesses that might
15 normally advertise through this medium. It is
16 simply an effort by which those tourist-related
17 businesses would be able to assure their
18 potential customers and clients of the ability
19 to locate that business if they indeed try to
20 come into the country and enjoy their
21 facilities.

22 Country roads, by their nature,
23 are very crooked and they have a lot of branches

1 and forks and confusing turns in them and, as
2 one who resides in the area, I can tell you that
3 even I find a degree of confusion from time to
4 time trying to locate facilities in those kinds
5 of roads and would greatly welcome an occasional
6 sign at one of these forks that would tell me
7 that the place to which I -- which was to be my
8 final destination was indeed on the right fork
9 instead of the left fork, knowing that if I went
10 the wrong way, I might go for many miles and
11 spend an inordinate amount of time looking for
12 the place in vain and indeed possibly getting
13 lost and having all sorts of dire consequences.

14 The purpose of this bill,
15 therefore, is to be able to establish some signs
16 that would be of a nature, of a size and a color
17 and a location designated by the Department of
18 Environmental Conservation, such signs to be
19 located at the intersections such as I've
20 described, so that when individuals are indeed
21 trying to find a particular hotel or a
22 particular restaurant -- and those would be the
23 two kinds of facilities that we're primarily

1 talking about here -- that these directional
2 signs would be located at the appropriate
3 intersections in order to give the traveler the
4 information necessary to reach the destination
5 they sought to go to rather than finding
6 themselves on a scenic exploration of the dirt
7 byways and climbing the mountainsides of my
8 district.

9 So the bill is carefully
10 crafted. It is done in a way where the
11 Department of Environmental Conservation
12 continues to have total control over the size,
13 the color and the placement of the signs, and it
14 is, at the same time, going to serve the needs
15 of both the visitor to the area and the
16 businesses in the area by assuring that people
17 will be able to find the locations.

18 Senator Skelos, is that enough
19 explanation of this?

20 SENATOR SKELOS: Yes. That's
21 fine.

22 ACTING PRESIDENT KUHL: The Chair
23 recognizes Senator Paterson.

1 SENATOR PATERSON: Would Senator
2 Cook yield for a question, Mr. President?

3 ACTING PRESIDENT KUHL: Senator
4 Cook, do you yield for a question?

5 SENATOR COOK: Yes.

6 SENATOR PATERSON: Has the DEC or
7 anyone else that's in favor of this piece of
8 legislation considered the proliferation of
9 directional signs in the actual park? I mean I
10 don't think -- I think we all empathize with a
11 business seeking to maximize its contact with
12 the public through the use of advertisements,
13 but what we're wondering is, if each business
14 has four signs, then how many businesses do they
15 estimate are going to use this? In other words,
16 the -

17 SENATOR COOK: Senator, the
18 nature -- the nature of where these particular
19 signs would be located -- and remember they're
20 only within the park, so they're in areas where
21 most of the land is still owned by the state.
22 The amount of land that's available for private
23 development is very limited, so you consequently

1 have only a very few, perhaps one or two of
2 these businesses on a given road, and so that
3 the concern that people might have that you're
4 going to end up with 25 or 30 of these signs at
5 a given intersection, you can set your mind at
6 ease on that point because it will not be that
7 kind of a situation.

8 ACTING PRESIDENT KUHL: Chair
9 recognizes Senator Oppenheimer.

10 SENATOR OPPENHEIMER: Thank you,
11 Mr. President. It's very good, excellent
12 peripheral vision there.

13 Senator Cook, you just said that
14 there won't be a proliferation. I understand -
15 I understand what you're saying, and I think you
16 understand what I'm about to say. We're talking
17 four additional signs for a large number of
18 businesses and hotels and things and, if you add
19 four times the potential numbers that want to
20 have the signage -- and I understand that the
21 roads do wind and twist, but we have to have
22 some way to balance these things.

23 The park, if it has many signs

1 going up in it, will lose the -- the openness
2 and the non-commercial look and the open space
3 look and the integrity which it now has, so we
4 do have this very complicated, you know,
5 balancing act between the needs for business and
6 the needs for the park to stay open and -- and
7 as natural as possible.

8 It's a conundrum, and I think
9 there has in the past been a balance struck
10 between the commercial interests in the park and
11 visual integrity of the park, and this bill has
12 been revisiting us many, many times and it
13 invariably has not been able to be made into law
14 because there are many who see this as an area
15 that we are trying to preserve as pristine as
16 possible.

17 So the Environmental Lobby,
18 Planning Lobby is opposed to this bill and there
19 are several Senators who historically have voted
20 against it, and they are Senators Connor,
21 Dollinger, Gold, Jones, Leichter, Montgomery,
22 Ohren...Onorato, Smith, Solomon, Stachowski,
23 Stavisky and on your side of the aisle, Senators

1 there have been Goodman, Hannon, Holland, Lack,
2 Padavan, Spano and Velella.

3 Thank you.

4 SENATOR COOK: Mr. President.

5 ACTING PRESIDENT KUHL: Senator
6 Cook.

7 SENATOR COOK: Senator
8 Oppenheimer, I wish you'd sort of remind the
9 Environmental Planning Lobby and folks of a very
10 important fact. The underbrush in these areas
11 is very thick, and the only place that the birds
12 have to land to sun themselves is on one of
13 these signs and, if we don't have them, there
14 are going to be all these birds aren't going to
15 have any place to sit, so I wish that we could
16 get this done.

17 ACTING PRESIDENT KUHL: Secretary
18 will read the last section.

19 Senator Oppenheimer, to explain
20 your vote.

21 SENATOR OPPENHEIMER: I would
22 just like to commend the Senator on his really
23 wonderful creative thinking. I really

1 appreciate that, and I will have to give this
2 information back.

3 ACTING PRESIDENT KUHL: Secretary
4 will read the last section.

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

7 ACTING PRESIDENT KUHL: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT KUHL: Announce
11 the results when tabulated.

12 Senator Paterson to explain his
13 vote.

14 SENATOR PATERSON: Mr. President,
15 I just wanted to explain my vote by saying again
16 that we're not trying to limit business but we
17 do have a certain scenic integrity to our
18 parks. Many of our parks have become over
19 commercialized, and the reason for our objection
20 is just that years later, we go and we find out
21 little bits of land and we try to, in a sense,
22 hold them up as being symbols of the society
23 that lives in a certain time and we call that

1 landmark preservation.

2 This is an opportunity for us to
3 preserve land, to preserve the integrity of the
4 park. People go to parks often to get away from
5 directional facilities, from directional
6 signals, and we think that perhaps they are
7 being over-saturated.

8 ACTING PRESIDENT KUHL: Senator
9 Paterson, how do you vote? Senator Paterson,
10 how do you vote?

11 SENATOR PATERSON: Oh, I vote no,
12 Mr. President.

13 ACTING PRESIDENT KUHL: Senator
14 Paterson voting in the negative.

15 Senator Cook to explain his
16 vote.

17 SENATOR COOK: Mr. President, to
18 explain my vote.

19 Probably most of us have traveled
20 in national parks, Yellowstone Park, for
21 example, being one of the most famous, and at
22 each intersection at these national parks, there
23 are signs that tell us where the various

1 attractions are located, and they have a little
2 arrow pointing to the left or to the right.

3 We don't have in the Catskill
4 Park those kinds of official locations, but
5 nevertheless the destinations that people -- to
6 which people want to go are the same types of
7 destinations, that is they're the places that
8 are necessary for people's enjoyment of the
9 park, and this bill is presented in that spirit
10 and, therefore, I vote in the affirmative.

11 ACTING PRESIDENT KUHL: Senator
12 Cook will be recorded in the affirmative.

13 Announce the results.

14 Senator Tully to explain his
15 vote.

16 SENATOR TULLY: Yes, Mr.
17 President.

18 I had occasion last week to speak
19 to the Executive Director of the environmental
20 advocacy group, the Environmental Planning
21 Lobby, Lee Wasserman, and I asked him a question
22 as to how it was that he was in opposition to
23 this particular bill when we had a similar bill

1 in the Adirondack Park sponsored by Senator
2 Stafford which dealt with signage as well, but
3 the difference between the two bills being that
4 besides geography, that in the case of Senator
5 Stafford's bill the signage was called a kiosk.

6 Now, it may well be that, in the
7 Adirondacks, they've advanced beyond the stage
8 in that mountain area or that of the people in
9 the Catskill area who still call them signs, and
10 I couldn't really get a resolution, Senator
11 Cook, as to how there was a difference in
12 attitude with respect to the position of the
13 Environmental Planning Lobby in those two
14 bills. But I was given to understand by Mr.
15 Wasserman that he did understand Senator Cook's
16 problem in this particular area, the need for
17 these directional signs to assist local
18 enterprise, and he knew also of Senator Cook's
19 deep commitment to the environment, and he
20 believed that in the not-too-distant future
21 there would be a way that, once and forever, it
22 might be that they would be working in tandem
23 jointly for the betterment of the people in that

1 community, and this state; and it's for all of
2 those reasons, Mr. President, that I join
3 Senator Cook in support of this bill.

4 ACTING PRESIDENT KUHL: Senator
5 Tully will be recorded in the affirmative.

6 Senator Leichter to explain his
7 vote.

8 SENATOR LEICHTER: Yes, Mr.
9 President. Just to point out to Senator Tully,
10 because we don't want to appear as if we have
11 some disagreement or animosity against Senator
12 Cook in supporting Senator Stafford's bill where
13 we wouldn't support Senator Cook's bill. In
14 fact, I think everybody on this side of the
15 aisle have as great a respect for Senator Cook
16 as distinguished from some of his bills, but the
17 distinction was that Senator Stafford's bill
18 indeed had been worked out with environmental
19 groups and provided for these directional signs
20 in rest areas of the Thruway and also had the
21 involvement of the Adirondack Park -- Adirondack
22 Park Agency, so I think it had environmental
23 safeguards, and I think, as Senator Oppenheimer

1 said, it is a balancing act, but in that
2 instance I think a good balance was struck and I
3 hope we might be able to work out something
4 similar with Senator Cook and see a bill that
5 not only is annually going to pass the Senate,
6 but I'm sure that Senator Cook would like to see
7 a bill that's going to be signed into law.

8 We understand his problem, we'll
9 work with him and hopefully we will see a good
10 bill that will help the region and also help the
11 environment and that will be signed into law.

12 I vote in the negative.

13 ACTING PRESIDENT KUHL: Senator
14 Leichter will be recorded in the negative.

15 Announce the results.

16 THE SECRETARY: Those recorded in
17 the negative on Calendar Number 131 are Senators
18 Abate, Connor, Espada, Gold, Holland, Jones,
19 Kruger, Leibell, Leichter, Markowitz, Onorato,
20 Oppenheimer, Paterson, Smith, Stachowski, also
21 Senator Goodman, also Senator Montgomery. Ayes
22 36, nays 13.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 138, by Senator Holland, an act to amend the
4 Social Services Law, in relation to access to
5 the statewide register of child abuse and mal
6 treatment.

7 SENATOR PATERSON: Explanation.

8 ACTING PRESIDENT KUHL: Senator
9 Holland, an explanation has been asked for by
10 Senator Paterson.

11 SENATOR HOLLAND: Yes, Mr.
12 President.

13 This bill allows mental
14 retardation and developmental disabilities
15 service providers to access the child abuse
16 registry in order to check the background of
17 prospective employees of non-residential family
18 support and early intervention pre-school
19 programs.

20 Currently providers of services
21 to persons with mental retardation and develop
22 mental disabilities are only allowed to access
23 the child abuse registry to check backgrounds of

1 persons considered for employment in residential
2 programs.

3 However, far more children are
4 served in non-residential programs. These
5 children are often severely disabled and
6 extremely vulnerable. It is vital that the
7 persons entrusted with their care be checked for
8 a history of child abuse and/or neglect.

9 ACTING PRESIDENT KUHL: Senator
10 Paterson.

11 SENATOR PATERSON: Mr. President,
12 we are very impressed with Senator Holland's
13 bill and thank him for his work on it.

14 Actually, one of our members
15 would like to expand the scope of it. There is
16 an amendment at the desk and only with your
17 permission, Mr. President, we would recognize
18 Senator Jones.

19 ACTING PRESIDENT KUHL: Senator
20 Paterson, I understand there is an amendment at
21 the desk. It was duly served.

22 The Chair would recognize Senator
23 Jones.

1 SENATOR JONES: Yes. I'd like to
2 call up my amendment, please, waive its reading
3 and I'd like an opportunity to explain it.

4 I voted -

5 ACTING PRESIDENT KUHL: Amendment
6 is at the desk. We'll waive the reading.
7 Senator Jones to explain the amendment.

8 SENATOR JONES: I'm fully
9 supportive of what Senator Holland is trying to
10 do with the two agencies he has in his bill.
11 However, what I'm asking is if the bill could be
12 amended to include an agency that is viable in
13 my community and perhaps others as well.

14 The Catholic Family Services in
15 Rochester operates several residential homes.
16 They have recently been told that they may not
17 -- the ones that are funded through OASAS, they
18 may not have access to the child registry to
19 check on their employees. They can if the
20 programs are funded through Social Services.
21 However, they have residential programs that
22 involve -- do involve drug treatment and there
23 are people who -- who are left, children are

1 left in the care of people while their mother or
2 whoever is in treatment, so they are asking that
3 they also be included in this so that they could
4 also have the opportunity.

5 I don't think in this day and age
6 when we're working so hard to protect our
7 children that we really want to leave any stone
8 unturned that does not allow everyone access to
9 these records who needs it and this was a
10 special request of Catholic Families in
11 Rochester, who does run many excellent programs
12 and they are asking to perhaps amend this bill
13 so that they could be included as well under
14 OASAS.

15 SENATOR HOLLAND: May I ask that
16 we lay my bill aside and we'll talk to the
17 Senator.

18 ACTING PRESIDENT KUHL: All
19 right. At the request of the sponsor, Senate
20 Calendar Number 138 is laid aside.

21 Senator Skelos.

22 SENATOR SKELOS: Recognize
23 Senator Goodman, please.

1 ACTING PRESIDENT KUHL: The Chair
2 recognizes Senator Goodman.

3 SENATOR GOODMAN: Mr. President,
4 had I been in the chamber last Tuesday, March
5 the 7th, I would have voted, wished to be
6 recorded -- wish to indicate that had I been
7 here on Wednesday, March 8th, I would have voted
8 in the negative on Senate 211, by Senator
9 Holland.

10 ACTING PRESIDENT KUHL: Senator
11 Goodman, the record will reflect that had you
12 been in the chamber when that vote was taken
13 that you would have voted in the negative.

14 SENATOR GOODMAN: Thank you, Mr.
15 President.

16 ACTING PRESIDENT KUHL: Chair
17 recognizes Senator Skelos.

18 SENATOR SKELOS: Mr. President,
19 are there any other bills to be debated at this
20 time?

21 ACTING PRESIDENT KUHL: That
22 completes the controversial calendar, Senator
23 Skelos.

1 We do have a couple of substitu
2 tions if you'd like to do those at the moment.
3 Secretary will read the substitutions.

4 THE SECRETARY: On page number 6,
5 Senator Goodman moves to discharge the Committee
6 on Investigations, Taxation and Government
7 Operations from Assembly Bill Number 1700 and
8 substitute it for the identical Senate Bill
9 Calendar Number 98.

10 On page 9, Senator Farley moves
11 to discharge from the Committee on Banks
12 Assembly Bill Number 2463 and substitute it for
13 the identical Senate Bill Calendar Number 151.

14 ACTING PRESIDENT KUHL: Without
15 objection, substitutions are ordered.

16 Senator Skelos.

17 SENATOR SKELOS: Mr. President,
18 at this time could we return to motions and
19 resolutions, and would you please recognize
20 Senator Volker.

21 SENATOR VOLKER: Mr. President.

22 ACTING PRESIDENT KUHL: Return to
23 motions and resolutions.

1 Senator Volker.

2 SENATOR VOLKER: I believe there
3 is a resolution at the desk honoring Gerry
4 Adams, president of Sinn Fein.

5 ACTING PRESIDENT KUHL: Senator
6 Volker, there is a privileged resolution at the
7 desk. What's your pleasure with regard to
8 that?

9 SENATOR VOLKER: We would like to
10 have you, if possible, read the entire
11 resolution, please.

12 ACTING PRESIDENT KUHL: Secretary
13 will read the resolution in its entirety.

14 THE SECRETARY: Legislative
15 Resolution welcoming the Honorable Gerry Adams,
16 president of Sinn Fein to the United States and
17 to the state of New York upon the occasion of
18 the American-Irish Legislators Society's Annual
19 Dinner March 13, 1995.

20 It's the sense of this assembled
21 body to walk in the noontide of righteous
22 resolve, in the eternal light of peace with the
23 imperishable hope of freedom for all the nations

1 of the world.

2 Attendant to such concern and
3 fully in accord with its long-standing
4 traditions, it is the sense of this assembled
5 body to welcome to our nation and to the state
6 of New York the Honorable Gerry Adams, president
7 of Sinn Fein and former Westminster Member of
8 Parliament for West Belfast.

9 Consistent with Gerry Adams'
10 commitment to peace, a determination so visible
11 in his successful effort to suspend the campaign
12 of armed struggle in the north of Ireland, it is
13 further the intent of this assembled body to
14 register its support for the sons and daughters
15 of all Ireland as they strive for peace.

16 Gerry Adams, married with one
17 son, in 1983, was elected president of Sinn
18 Fein, an all-Ireland party which seeks an end to
19 British jurisdiction in the six northeastern
20 counties of Ireland, and supports the
21 unalienable right of the Irish people to self
22 determination.

23 That year, and again in 1987,

1 Gerry Adams was elected the Westminster Member
2 of Parliament for West Belfast.

3 Gerry Adams has written widely in
4 freedom's cause. A PATHWAY TO PEACE, in 1988,
5 one of several of his publications, contains the
6 passage: "Peace in Ireland is not simply the
7 absence of war or conflict; it is the existence
8 of conditions of justice and equality which
9 eradicate causes of the conflict."

10 In recognition of Gerry Adams'
11 commitment to peace, President Clinton's
12 administration has lifted the 25-year policy of
13 visa denial with Sinn Fein. This action which
14 Gerry Adams has called "courageous", allows to
15 address the American-Irish Legislators Society
16 this evening.

17 In 1993, in talks with the SDLP
18 leader, John Hume, Gerry Adams initiated the
19 process which resulted in IRA's decision to
20 announce a complete cessation of military
21 operation.

22 Upon the occasion of its annual
23 expression of solidarity and shared concern, it

1 is the intent of this assembled body to join
2 with the American-Irish Legislators Society in
3 renewing our commitment to the McBride
4 principles, noting in turn the obvious success
5 of that policy in nurturing the peace process in
6 Northern Ireland.

7 Winds of March enkindle the
8 flames of an ancient dream. Let us listen that
9 we might hear footsteps of long ago. Like an
10 Irish echo, history reverberates with the
11 resilience and consistency of a sacred commit
12 ment that Ireland might be free.

13 On April 24, 1995, it will be 79
14 years since Padraic H. Pearse, poet, school
15 teacher and principal source of Republican
16 inspiration, read this words atop the steps of
17 the General Post Office in Dublin: "Irishmen
18 and Irish women, in the name of God and of the
19 dead generations from which she receives her old
20 tradition of nationhood, Ireland, through us,
21 summons her children to her flag and strikes for
22 her freedom..."

23 In every walk of life, in the

1 arts, in the sciences, in the political world,
2 in every manifestation of the human spirit, the
3 Irish people have excelled.

4 No nation on earth has sent to
5 the shores of America a people more spiritual
6 than the Irish. Throughout the ages, they have
7 left their causes forgotten among the lilies.
8 From the mode and from the texture of that
9 endowment, the cathedrals and colleges of our
10 nation were built, a heritage largely formed,
11 our American character greatly forged.

12 Upon the eve of the 1995 tribute
13 to Ireland's greatest saint, St. Patrick, it is
14 the sense of this assembled body to walk with
15 Gerry Adams, with the sons and daughters of
16 "Cathleen Houlihan" noting, in turn, with
17 unswerving affirmation, the words of Padraic
18 Pearse: "People that I've loved, shall we not
19 answer together?"

20 NOW, THEREFORE, BE IT RESOLVED
21 that this legislative body pause in its
22 deliberations and most joyously welcome Gerry
23 Adams to the United States and to the state of

1 New York, commending his commitment to peace;
2 and

3 BE IT FURTHER RESOLVED that
4 copies of this resolution, suitably engrossed,
5 be transmitted to the Honorable Gerry Adams,
6 president of Sinn Fein, and to the Honorable
7 Richard J. Keane, president of the American
8 Irish Legislators Society, Albany, New York.

9 ACTING PRESIDENT KUHL: The Chair
10 recognizes Senator Volker on the resolution.

11 SENATOR VOLKER: Mr. President,
12 first of all, let me say in behalf of Senator
13 Holland and the Majority Leader and myself, that
14 any -- what I'd like to do is open up the
15 sponsorship of this resolution. I would suggest
16 that, unless somebody objects, that we do the
17 normal procedure for these kinds of
18 resolutions. Unless someone objects, everybody
19 would be placed on the resolution. That would
20 be my suggestion.

21 ACTING PRESIDENT KUHL: With the
22 acquiescence of the acting Majority Leader, we
23 will place all members on the resolution except

1 for those people who wish to not be on the
2 resolution. We ask them to identify themselves
3 at the desk.

4 No objection. Senator Volker
5 continuing on the resolution.

6 SENATOR VOLKER: Yes, I want to
7 say that we fully intended to have Gerry Adams
8 here and, in fact, he is in the complex some
9 place, but he's been slowed down today by -
10 he's got a fever and cold, and so forth, I guess
11 and we're hoping that, before we adjourn, that
12 he would be able to come here but it looks as if
13 he may not get here before the Senate recess.

14 But let me just say that -- about
15 this gentleman, that, as somebody whose
16 grandfather came directly from Ireland and who
17 has a great deal of my family of Irish descent,
18 I don't believe that many people realize the
19 enormity of what this gentleman has done in
20 leading his Sinn Fein party to attempt to find
21 peace in northern Ireland.

22 I know from some of my relatives
23 how difficult it is for any leader of the IRA to

1 suggest that the group stop military action if
2 you want to call it, which is what, of course,
3 the IRA has been doing, and seek peace by
4 stopping the killing in Ireland.

5 That takes a great deal of
6 courage, by the way, because I think, as many
7 people are aware in this day and age, once a
8 course of action is committed to, it is very
9 difficult to change it, and I know very well
10 that it must have been -- taken a great deal of
11 soul searching for this man who is very
12 articulate and who has led his party for many
13 years in Ireland, to make the decision that he
14 did.

15 I think there is one thing that I
16 think maybe a lot of people do not realize, and
17 that is that Gerry Adams was always considered
18 to be a moderate, even while the fighting was
19 still going on, and that is that I think he
20 tried to, wherever possible, keep the fighting
21 to -- down, and it was among his own people and,
22 of course, has lobbied for a great long time to
23 bring the fighting in Northern Ireland to an

1 end.

2 He is to be at our American-Irish
3 Legislators party tonight, and he is to speak to
4 us. We are most happy to have him. We had, as
5 I say, planned on having him here on the floor
6 of the Senate, but so far it doesn't look like
7 he's going to be able to be here, but we do want
8 to congratulate him and say that we are very
9 happy to have him here in Albany seeking peace.

10 ACTING PRESIDENT KUHL: Is there
11 any other member wishing to speak on the
12 resolution?

13 Senator Holland.

14 SENATOR HOLLAND: I might also
15 say that my great, great grandfather came over
16 directly from Ireland, fought in the Civil War,
17 just to back up Dale's comments.

18 I am very happy and proud to
19 welcome Gerry Adams to this house, to this
20 nation, this city of Albany, especially during
21 the week of St. Patrick, but Gerry represents
22 only the latest link between Ireland and the
23 United States. The home of our president, the

1 White House, was designed by James Hoban, a
2 noted Irish-American architect. Benjamin
3 Franklin, the envoy of the American Revolution,
4 was received by the Irish Parliament. Ever
5 since then, our interests have been joined.
6 Franklin sent leaflets to the Irish freedom
7 fighters, encouraging them to fight for
8 freedom.

9 Irish volunteers played such an
10 important part in the American army during the
11 American Revolution that Lord Mountjoy said in
12 the British Parliament that we have lost America
13 to the Irish. Charles Stuart Cornell, the
14 famous Irish nationalist whose mother was born
15 in America, addressed the American Congress on
16 Irish freedom. Our two nations, divided by
17 distance, have been united by history.

18 No people ever believed more
19 deeply in the cause of Irish freedom than the
20 people of the state of New York and no country
21 contributed more to building our nation than the
22 sons and daughters of Ireland.

23 It was the Irish who worked hard

1 without complaint to build this Empire State.
2 They built the Erie Canal; they built the
3 railroads. They built families and a culture
4 which is still in presence in our state today.

5 Many of our ancestors left behind
6 their hearts, their fields and a nation yearning
7 to be free, but they still came to our shores
8 with a vision of hope. There are those who feel
9 that history of pain, war and exile are better
10 forgotten. There are those who feel that we
11 should forget the bitterness of the past. There
12 are those who feel that we should completely
13 start anew, but to really start anew, we must
14 understand the meaning of pain and bitterness
15 for the present and the future, and it is the
16 present and the future of Ireland that today
17 holds so much promise, thanks to this man, Gerry
18 Adams.

19 Henry Grattan once said that a
20 country enlightened as Ireland, committed as
21 Ireland, armed as Ireland and injured as
22 Ireland, will be satisfied with nothing less
23 than liberty.

1 Gerry Adams represents that
2 liberty. He represents a proud Ireland. He has
3 led the fight to drive tyranny from Ireland's
4 shores, and he represents the new and stronger
5 Ireland. However, as I am sure Gerry can attest
6 to, there is much work to be done. We in New
7 York are still united in our Irish brothers and
8 we will never forget their struggle.

9 This house was instrumental in
10 the passage of the McBride principles. These
11 principles work for fair employment to reduce
12 employment discrimination at firms doing
13 business in Northern Ireland. The McBride
14 principles were first implemented in 1986. Dr.
15 Sean McBride, a Nobel Prize Laureate and Irish
16 citizen, first composed the McBride principles
17 to ensure that U.S. companies with Northern
18 Ireland interests did not lend a hand in
19 creating job discrimination that occurs against
20 Catholics in Northern Ireland.

21 I was proud to sponsor this
22 important legislation in this Senate. As you
23 all know, we in New York never forgot Ireland.

1 The British have finally come to the negotiating
2 table. After 300 years of genocide, peace is
3 coming to Ireland, and Gerry is part of that new
4 peace.

5 My friends and colleagues,
6 Ireland's hour has come. It has something to
7 give the world, something more, a future of
8 peace and freedom, thanks to Gerry Adams.

9 ACTING PRESIDENT KUHL: The Chair
10 recognizes Senator Connor.

11 SENATOR CONNOR: Thank you, Mr.
12 President.

13 I rise to join in this resolution
14 welcoming Gerry Adams to New York and to the
15 Senate.

16 I think the history of the Irish
17 nation's struggle to be a nation is one that's
18 been replicated and paralleled by the experience
19 of other subjugated people. As it's often said,
20 Ireland was Britain's first colony, and its last
21 colony. It was over 800 years since the
22 (Gaelic), a word in Gaelic, which means the
23 stranger, and that is the Irish word for English

1 stranger, since the strangers came amongst the
2 Irish. It was the history that initially
3 involved feudal exploitation among warring clans
4 and alliances, and so on, and evolved and
5 certainly has been for at least 300 years a
6 struggle for a people to recognize freedom, to
7 express their unique identity, something which
8 the colonizer in a rather arrogant way never
9 would recognize.

10 Churchill said, Gee, the Irish
11 are odd; they refuse to be British. And why
12 not? They saw this culture subjugated for
13 hundreds of years. They saw a language nearly
14 destroyed. They saw a people decimated 150
15 years ago by the very great hunger, and the
16 Irish call it the great hunger because there was
17 no famine in Ireland from 1845 until 1850.
18 Record crops were exported to England, record
19 grain crops, livestock, enough to feed the Irish
20 people four-fold over. Yet two million men,
21 women and children starved in the roads and
22 fields, literally starved to death. Millions
23 more fled to the new world, starving masses many

1 of whom died en route. The best estimates are
2 that a third of the Irish immigrants during that
3 period were thrown overboard from the ships
4 before they reached New York and Boston. Often
5 so-called coffin ships, very seaworthy ships
6 sunk laden with Irishmen, women and children in
7 emaciated condition.

8 That was political genocide. The
9 then Queen Victoria deigned to contribute a
10 penny to Irish famine relief. It was clearly a
11 political move. British politicians said, Well,
12 this will further subjugate this island. Before
13 the great hunger, the Irish peasantry was the
14 healthiest in western Europe. Indeed, they
15 averaged three inches taller than the average
16 Englishman, but they didn't control their land.
17 They didn't control their political destiny,
18 they didn't control the distribution of their
19 own wealth that they created, and they starved
20 as a result of it.

21 The Irish presence spread
22 throughout the world. In the 17th and 18th
23 century there were Irish nurseries in the courts

1 of Europe and Irish regiments in all the
2 European armies, the so-called "wild geese"
3 chased from their home land.

4 In the 18th and 19th centuries,
5 Australia, the United States, Canada, the
6 Caribbean, saw the Irish land in search of
7 freedom. In some cases they were landed in
8 chains among the first slaves brought to the new
9 world in the Caribbean. They also experienced
10 for 200 years the so-called penal laws, whereby
11 unless they abandoned their faith, their
12 religious faith, they were denied the right to
13 vote, to be educated. It was a crime to teach a
14 Catholic in Ireland to read and write.

15 Yet they persevered, they
16 persevered in hedge schools and continued in
17 every generation to assert Ireland's right to
18 freedom and arms.

19 And so it is we come down to this
20 day 10 years after the great hunger. We find a
21 modern Ireland ready to put down ancient
22 divisions, to sit at a negotiating table and to
23 search for peace. We also find an Ireland that

1 doesn't forget its old wrongs, but is willing to
2 build upon them a new future.

3 One thing that has always -- I've
4 always found not so remarkable, if you know what
5 happened 150 years ago, there are organizations
6 in Ireland that are, whenever famine occurs in
7 Asia or Africa or wherever, they're first there
8 with food because that stinging pain of a
9 country that lost a third of its population in a
10 mere five years is ever present in the Irish
11 memory.

12 Today we welcome to Albany Gerry
13 Adams, someone who has struggled, someone who
14 has been in prison, someone who has the courage
15 of years of armed struggle to say, Let's opt for
16 peace. Let's make politics in Ireland a matter
17 of negotiation, discussion and put aside the
18 gun.

19 On that basis, a new future looms
20 for all the Irish people putting aside ancient
21 differences because of sects which were fostered
22 by the colonial power, and a new hope springs
23 for a land that is so beautiful and for its many

1 sons and daughters throughout the world.

2 Thank you, Mr. President.

3 ACTING PRESIDENT KUHL: The Chair
4 recognizes Senator Oppenheimer on the
5 resolution.

6 SENATOR OPPENHEIMER: Well, I'm
7 not Irish by birthright, but I guess I'm an
8 Irophile, I think that's the word for someone
9 who admires Ireland and has been there often by
10 choice, as recently as a few months ago when I
11 was hiking in the very section that Senator
12 Connor has just mentioned, which is the area
13 that got -- after the famine the people left
14 their farms and there was absolutely no farming
15 going on there now. It's the area called
16 Connemara, it's kind of an isolated area that
17 has a whole lot more sheep than it has people in
18 very scattered small communities, but it's a
19 very beautiful area to walk in, and I walked for
20 a week from a very small town called Linnan.

21 Last night, I saw a play on
22 Broadway that was written by Brian Friel, who
23 gave us Dancing at Manassah about four years

1 ago, and this is a play that deals with the very
2 subject that Senator Connor was talking about,
3 that is a hedge school, and about the people
4 trying to maintain their language, their
5 heritage by not learning English, by not being
6 co-opted, and it's a beautiful play. I urge you
7 all to see it. It just came to Broadway.

8 I have been working for several
9 years now as co-chair of the Irish Northern Aid
10 Committee here in Albany, and I so
11 welcome Gerry Adams to -- to Albany and his
12 search for peace and his desire. I praise his
13 burning desire to move from the violence that
14 has disrupted the whole country to a peaceful
15 resolution. It is such a welcomed change, I
16 feel that if the PLO and Israel can sit down
17 together, then surely England and Northern
18 Ireland should be able to work out some accord,
19 and I wish them Godspeed, and I'm just very
20 delighted that Gerry Adams came to America and
21 that our President opened his arms to him and
22 said, We welcome you. We urge you to continue
23 your search for peace, and we are not going to

1 be tied into the follies of the past.

2 And I also hope that he will feel
3 better shortly. I understand today he has the
4 flu and a raging fever. So far he is managing
5 to continue on in spite of all these immediate
6 problems. He's an admirable person who is
7 working for peace now.

8 Thank you.

9 ACTING PRESIDENT KUHL: The Chair
10 recognizes Senator Espada.

11 SENATOR ESPADA: Thank you, Mr.
12 President.

13 Gerry Adams is a vessel in which
14 a path towards peace can be achieved. He was
15 the embodiment of a global lesson in morality
16 and in courage, and so the people of the 32nd
17 District, through their servant here in the
18 Senate, salutes this type of courage. We seek
19 to learn from it, we identify with it and once
20 again, we salute it, Mr. President.

21 ACTING PRESIDENT KUHL: The
22 question is on the resolution.

23 All those in favor signify by

1 saying aye.

2 (Response of "Aye.")

3 Opposed nay.

4 (There was no response.)

5 The resolution is unanimously
6 adopted.

7 Senator Stavisky.

8 SENATOR STAVISKY: Mr. President,
9 without objection, I should like to be recorded
10 in the negative on Calendar Number 131, Senate
11 418.

12 ACTING PRESIDENT KUHL: Without
13 objection, Senator Stavisky is recorded in the
14 negative on Calendar Number 131.

15 Senator Santiago.

16 SENATOR SANTIAGO: Mr. President,
17 may I request that I be recorded in the negative
18 on Calendar Number 131.

19 ACTING PRESIDENT KUHL: Without
20 objection, Senator Santiago is recorded in the
21 negative on Calendar Number 131.

22 SENATOR NANULA: Mr. President.

23 ACTING PRESIDENT KUHL: Senator

1 Nanula.

2 SENATOR NANULA: Without objection
3 I, too, would like to to be recorded in the
4 negative on Calendar Number 131.

5 ACTING PRESIDENT KUHL: Without
6 objection, Senator Nanula is recorded in the
7 negative on Calendar Number 131.

8 The Chair recognizes Senator
9 Skelos.

10 SENATOR SKELOS: Mr. President,
11 we'll just stand at ease for several moments.

12 ACTING PRESIDENT KUHL: The
13 Senate will stand at ease for several moments.

14 (The Senate stood at ease from
15 4:10 to 4:16 p.m.)

16 SENATOR SKELOS: Mr. President.
17 Mr. President.

18 ACTING PRESIDENT KUHL: Senate
19 will come to order.

20 SENATOR SKELOS: Could we first
21 have a little order in the Senate, please.

22 ACTING PRESIDENT KUHL: I'll ask
23 the members to find their chairs, ask those

1 joining us to find a place around the outside,
2 ask you all to kindly give your attention to
3 Senator Skelos.

4 SENATOR SKELOS: Mr. President,
5 at this time would you recognize Senator Holland
6 for the purposes of an introduction.

7 ACTING PRESIDENT KUHL: The Chair
8 recognizes Senator Holland.

9 SENATOR HOLLAND: Mr. President,
10 I'll be very brief. I won't repeat the two-page
11 speech that I read before, but it really is my
12 pleasure to welcome Gerry Adams on behalf of
13 everyone in this state and everyone in this
14 house to the state of New York and to the city
15 of Albany.

16 We -- many people in this house
17 are of Irish descent. We're very proud of what
18 you've done, the freedom that you've brought to
19 Ireland and Northern Ireland, and we anticipate
20 that that will continue, and I know that you
21 want to say a few words. We'd just like to say
22 welcome, thanks for coming, and wish you God
23 speed and good luck, not only in your fund

1 raising, but your bringing freedom and the
2 counties of Ireland altogether.

3 Welcome.

4 SENATOR SKELOS: Mr. President,
5 at this time, I'd ask unanimous consent if our
6 distinguished guest could address the Senate.

7 ACTING PRESIDENT KUHL: Without
8 objection, the Chair will recognize the
9 Honorable Gerry Adams and ask him to take the
10 favorable spot up here on the dais to address
11 all of you. Such notables as General Graves,
12 Superintendent of West Point and Lou Carnisecca
13 have addressed the body from this point, and
14 we'd ask Gerry Adams to do the same.

15 The floor is yours.

16 THE HONORABLE GERRY ADAMS:

17 Senators and the President, can I
18 thank you for the welcome you have given me here
19 and for the opportunity to address you. I want
20 to thank you for the work that has been done by
21 the different Senators in this house, and to
22 this house the message which has been sent right
23 back to Ireland and right back to the British

1 occupied part of Ireland.

2 The people from different back
3 grounds coming to this country and people from
4 my own country coming here have not forgot the
5 cause of freedom and justice and peace.

6 Your spirit has set a leadership
7 role on issues of justice against discrimination
8 and support of the McBride principles and on
9 other issues of democracy, and I think we back
10 in Ireland have not yet peace, but a space in
11 which peace can grow and that we, as we continue
12 to widen that space and to broaden that space, I
13 am sure that we will continue to have the
14 support of the people here assembled.

15 St. Patrick's Day is a very
16 special time for Irish people, Protestants and
17 Catholics, agnostics and pagans, and I was asked
18 by someone next door, what about the Jews, and
19 Jewish Irish as well, together do enjoy the
20 creativity of Ireland, to enjoy what we are and
21 our diversity and in our right to be free and to
22 live at peace with ourselves and at peace with
23 the other island, John Bone's island.

1 St. Patrick's Day is a special
2 day because it comes at a time when all those
3 possibilities have opened up for us. For the
4 first time in 25 years, and some would say for
5 75 years, we actually see a future free of
6 conflict with the absence of injustice and in
7 the presence of freedom.

8 So I thank you all for your
9 support, for the honor you have given me today
10 and those who I represent back in Ireland, and I
11 wish you all a very healthy St. Patrick's Day.

12 Thank you. Thank you, Mr.
13 President.

14 ACTING PRESIDENT KUHL: The Chair
15 recognizes Senator Bruno.

16 SENATOR BRUNO: Mr. President, I
17 was out of the chamber at the time of the
18 resolution. I really just want to add my voice
19 to so many others in welcoming Gerry Adams
20 here. We all know what kind of courage it takes
21 to separate yourself from what is going on and
22 what people consider to be a normal way. It
23 took a lot -- took a lot of courage, a lot of

1 vision, a lot of wisdom. So he's a real leader
2 and I'm just honored to have him in the chamber,
3 Mr. President, and just want to wish him a happy
4 St. Pat's and a great, great week and a safe
5 journey throughout New York State and the United
6 States.

7 (Applause).

8 Mr. President, there being no
9 further business to come before the Senate, I
10 move that we adjourn until tomorrow at 3:00 p.m.

11 ACTING PRESIDENT KUHL: Without
12 objection, the Senate stands adjourned until
13 tomorrow, Tuesday, at 3:00 p.m.

14 (Whereupon at 4:25 p.m., the
15 Senate adjourned.)
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