ALBANY, NEW YORK

April 18, 1995

3:02 p.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 KUHL: Senate will come to order. Ask the members to find their places. Ask everybody in the chamber to rise with me and join in the Pledge of Allegiance to the Flag.

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

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

(Whereupon, there was a moment of silence.)

Reading of the Journal.

THE SECRETARY: In Senate, Monday, April 17. The Senate met pursuant to adjournment. Senator Kuhl in the chair upon designation of the Temporary President. Prayer by the Reverend Father Peter G. Young, Blessed Sacrament Church, Bolton Landing. The Journal of Sunday, April 16, 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 Present.

SENATOR PRESENT: Mr. President. On behalf of Senator Levy, please place a sponsor star on Calendar 414.

ACTING PRESIDENT KUHL: Calendar 414 will be starred at the sponsor's request.

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: On page 21, on behalf of Senator Leibell, I offer the following amendments to Calendar 386, Senate Print 2743, and ask that it retain its place on the Third

Reading Calendar.

ACTING PRESIDENT KUHL: The amendments are received and adopted. The bill will retain its place on the Third Reading Calendar.

We have a substitution at the desk, Senator Bruno. Would you like to take that up at this time?

SENATOR BRUNO: Please do the substitution.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: On page 4, Senator Holland moves to discharge from the Committee on Labor, Assembly Bill Number 5506A and substitute it for the identical Senate Bill Number, Calendar 443.

ACTING PRESIDENT KUHL: Substitutions ordered.

Senator Bruno.

SENATOR BRUNO: Mr. President. At this time, could we adopt the Resolution Calendar.

ACTING PRESIDENT KUHL: The motion is to approve the resolution calendar.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The Resolution Calendar is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President. On behalf of Senator Levy, I would like to call an immediate meeting of the Transportation Committee in Room 332.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Transportation Committee in the Majority Conference Room, Room 332.

Senator Bruno.

SENATOR BRUNO: Mr. President. Can we at this time take up the noncontroversial calendar.

ACTING PRESIDENT KUHL: Secretary

will read the noncontroversial calendar.

THE SECRETARY: On page 6, Calendar Number 89, by Senator Holland, Senate Print 139, an act to amend the Social Service Law and the Education Law, in relation to Medicaid fraud control.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 31.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 270, by Senator LaValle, Senate Print 2882, an act to amend the Education Law, in relation to the registration of licensed professionals.

ACTING PRESIDENT KUHL: Secretary 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 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 292, by Senator DiCarlo, Senate Print 499A, an act to amend the General Obligations Law, in relation -

SENATOR PATERSON: Lay it aside, Mr. President.

THE SECRETARY: -- in relation -

ACTING PRESIDENT KUHL: Go ahead and finish it up.

THE SECRETARY: -- in relation to exoneration of certain police officers.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 294, by Senator Lack, Senate Print 2908, an act to amend the Judiciary Law and the State Finance

Law, in relation to juror fees.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 300, by Senator DiCarlo, Senate Print 2873, an act to amend the Real Property Tax Law, in relation to tax exemption for buildings containing cooperative apartments.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 306, by Senator Hannon, Senate Print 2086A, an act to amend the Tax Law, in relation to tax credits for the servicing of certain mortgages.

ACTING PRESIDENT KUHL: Secretary 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 34.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 309, by Member of the Assembly Dugan, Assembly Print Number 5542, an act to amend the Alcoholic Beverage Control Law, in relation to the interests of manufacturers, wholesalers and retail licensees.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 35.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 311, by Senator Goodman, Senate Print 3465, an act to amend Chapter 172 of the Laws of 1992, amending the Tax Law, relating to transferee liability.

ACTING PRESIDENT KUHL: Secretary 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 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 312, by Senator Skelos, Senate Print 602, an act to amend the Public Health Law, in relation to the Senator Tarky Lombardi Nursing Home Without Walls Program.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 325, by Senator Tully, Senate Print 3643, an act to amend the Environmental Conservation Law, in relation to the general powers of the New York State Environmental Facilities Corporation.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 328, by Senator Seward, Senate Print 2014, an act to amend the Public Service Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the

bill aside.

Senator Bruno, that completes the noncontroversial calendar.

SENATOR BRUNO: Mr. President. Can we now take up the controversial calendar.

ACTING PRESIDENT KUHL: Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 292, by Senator DiCarlo, Senate Print 499A, an act to amend the General Obligations Law, in relation to exoneration of certain police officials.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT KUHL: Senator DiCarlo, an explanation has been asked for by Senator Dollinger.

SENATOR DiCARLO: Senator Dollinger, what this bill does is Article 5 of the Penal Law contains the defense of justification concerning criminal charges for the use of physical force or deadly physical force. It explains when and under what circumstances the use of such force is

justified; and if justification is proven, constitutes a complete defense to criminal charges concerning the use of such force.

This bill simply provides that if a police officer or peace officer would have been justified in using physical force or deadly physical force in a criminal prosecution against him, the same defense would apply in a civil suit for damages brought by the felon. The felon under such circumstances would be deemed to have assumed the risk of injury.

ACTING PRESIDENT KUHL: Chair recognizes Senator Abate.

SENATOR ABATE: Would the Senator yield to a number of questions?

ACTING PRESIDENT KUHL: Senator DiCarlo, do you yield?

SENATOR DiCARLO: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR ABATE: My question is, is justification a question of fact or law? Would the issue of justification be decided by

the judge or decided by a jury in the civil case?

SENATOR DiCARLO: Question of fact would be decided by the jury.

SENATOR ABATE: Okay. And would the defense of justification apply even though the police officer violated or ignored a departmental rule or regulation? And if that's the case, would that, in fact, undermine the ability of local police departments to regulate police officers?

The example is -

SENATOR DiCARLO: Whatever the rules and laws that would apply in a criminal case would also apply in the civil case so that's -- basically, to answer your question. More specifically -

SENATOR ABATE: I guess so then you could conceive of a situation where an officer, in terms of the Penal Law, may be justified in the actions that he took but might violate a departmental rule or regulation? The defense of justification is different in a

criminal case than what would be applied in a civil case. There are different burdens of proof.

SENATOR DiCARLO: Again, to answer the question, if under the Penal Law it is justification, then it's the same under the Civil. What the bill does -- and I don't know whether I am answering the question the way you want me to, but what we're trying to do is to take the criminal justice laws and the Penal Law in terms of justification when to use force and a police officer under criminal charges and we're taking that exact same statute and we're moving it into the civil area so that we would have a defense of justification. So if in a criminal act the officer was justified, then it would also be a defense within the civil charges.

SENATOR ABATE: In the case where an officer shot an unarmed fleeing suspect in the back -

SENATOR DICARLO: M-m h-m-m.

SENATOR ABATE: -- that officer

would probably not be justified and then would not receive -

SENATOR DICARLO: Correct.

SENATOR ABATE: -- immunity under this statute.

SENATOR DICARLO: Absolutely.

SENATOR ABATE: Okay.

SENATOR DICARLO: Absolutely.

SENATOR ABATE: And then one further clarification.

ACTING PRESIDENT KUHL: Senator DiCarlo do you continue to yield?

SENATOR DICARLO: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR ABATE: Thank you. Would this apply to all peace officers, whether or not they are authorized to carry a weapon?

SENATOR DICARLO: It would apply to the same individuals who are covered by the criminal statutes in the Penal Law, yes.

SENATOR ABATE: I have no further questions.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. Would Senator DiCarlo yield just for one question?

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DOLLINGER: My understanding, Senator, is that the effect of this bill would not necessarily overturn the decision in McCummings because the jury on highly controverted facts would have still been entitled to find that the suspect who fled down the stairs was actually shot in the back at the time of fleeing. Is that correct?

SENATOR DICARLO: Yes, Senator. The case which caused me to put this legislation in was the McCummings case. This bill probably would have no effect on the outcome of the McCummings case. The reason -- one of the reasons we put this bill forward is because the Court of Appeals of the State of New York said that the justification defense in a criminal

action would not be applicable in a civil case, and that's the reason we did it, but it would probably not have had an impact in the McCummings case or made the McCummings case turn out any differently.

SENATOR DOLLINGER: Again, Mr. President, I think I've supported this bill in the past. I think the justification defense is a good one. An officer threatened with deadly physical force should be able to use deadly physical force to defend himself. That is the defense of justification; and if there is someone injured as a result of that, I agree with the Senator that that should be an assumption of risk on the part of a perpetrator.

I know last year I introduced an amendment to this bill that would make the funds available -- from these kinds of judgments, available for distribution to the crime victims. I would hope that we consider that again at some point again in the future, perhaps with the sponsor of this legislation or with

others.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR COOK: Mr. President.

ACTING PRESIDENT KUHL: Senator Cook.

SENATOR COOK: Mr. President. I would like to announce that the regular Education Committee meeting is being held in Room 124 right at this moment.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Education Committee in Room 124.

Secretary will continue to call

the controversial calendar.

THE SECRETARY: Calendar Number 294, by Senator Lack, Senate Print 2908, an act to amend the Judiciary Law and the State Finance Law, in relation to juror fees.

ACTING PRESIDENT KUHL: Senator Lack, an explanation has been asked for by Senator Paterson.

SENATOR LACK: Thank you, Mr. President. Mr. President. This bill was introduced at the request of the Chief Administrative Judge, and it's a very simple matter. It would allow jurors to waive the payment of their fee. Payments so waived would go into a fund that could be used in that locality in that fiscal year for purposes of equipping jury assembly rooms, jury deliberation rooms, offices for commissioners of jurors and such other court facilities as is required to effectuate the policies of the state as set forth in law.

Monies not so expended by the end of the year would go into a new fund called the

Supplemental Jury Facilities Fund and would have to be appropriated for use of such cities and counties by the State Legislature as would any other item in the next fiscal year.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President. Would Senator Lack yield for a question?

SENATOR LACK: Surely, Mr. President.

SENATOR PATERSON: Thank you, Mr. President. Senator Lack, how many -- I get the impression from the bill that this was actually the idea that some jurors themselves had thought of when they looked at some of the facilities and thought that they were in need of repair. Do you have an idea how many jurors felt this way? I mean is this the result of a conversation that some jurors had about it, or is this something that was an organized effort to prevail upon the chief administrator to ask that this law be enacted?

SENATOR LACK: Mr. President. Quite frankly, I don't know. This bill has been introduced at the request of the Chief Administrative Judge, and I would assume that both he and the Chief Judge -- particularly since the Chief Judge has just received her jury project report. In terms of the jury project and the extensive polling of jurors that they did, Mr. President, saw a need that there are some jurors who said, "Gee, I really don't want this money, and I'd like to turn it back to the state."

I doubt very much whether the jurors might have evidenced the desire that it go to jury rooms. I do believe upon information and belief, Mr. President, that it is the Chief Administrative Judge in the Office of Court Administration that thinks that such sums which would come from jurors not accepting their fees would most appropriately be spent on jury facilities.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President, and thank you, Senator Lack. The answers to the question were quite sufficient.

Now speaking to the bill, Mr. President. There are several reasons why I don't particularly recommend that this bill be enacted.

First of all, they probably have to set up a separate account to collect all of these monies that would go toward the improvement of the conditions around the courthouse.

Secondly, I think there is an unusual onus that's being placed on a number of jurors even if they are willing to contribute to it to effect this actual purpose. I don't know how many jurors there could be or how much money it would take until you actually did something that was tangible. It's just an idea. I'm certainly not opposed to improving the conditions; and if we need to improve the conditions, then perhaps as a state government we should actually do that.

Finally, my objection to this bill is I think it opens a door or opens a can of worms or a Pandora's box. It opens something that I would prefer stay closed, and that is just this idea of a kind of private funding for something that actually should be a public responsibility. The judicial system is very important, and Senator Lack's attempt to find a way to correct it is very laudable, but this particular fashion of having individuals deduct or in some way return the monies they received for serving on a jury in order to improve conditions is something that might be extended, and I would really not like to see the time come when individuals are encouraged to give back monies that they have actually earned in order to effect some process. In other words, what may have started out as voluntaryism could inure to the detriment of coercion.

And so I will recommend that this bill not be acted upon.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Ayes 48. Nays 1. Senator Paterson recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 312, by Senator Skelos, Senate Print 602, an act to amend the Public Health Law, in relation to the Senator Tarky Lombardi Nursing Home Without Walls Program.

ACTING PRESIDENT KUHL: Senator Skelos, an explanation has been asked for of Calendar Number 312 by Senator Dollinger.

SENATOR SKELOS: Senator Dollinger, that is a very complicated bill in that it would name the Nursing Homes Without Walls Program after former Senator Tarky

Lombardi.

SENATOR DOLLINGER: Mr. President. I appreciate the explanation. I rise just to commend -- I know Senator Skelos in his position as the Aging Committee Chair has watched this very carefully, and I applaud naming this after Senator Lombardi.

I just rise to point out that unfortunately it was going to be "the nursing home without funding" for a period of time. I know that my Senate colleagues have put additional resources back in to help this program. Unfortunately, the Governor had a view that seemed to say, "Wipe it out"; and then in his 30-day amendments said, "We'll only leave it for private pay patients." As I think you know, they are only about one percent of the total participants in this program.

So my purpose in rising is that I hope we will continue to honor Senator Lombardi by putting full funding back in this program and make it really work. It is a good program. It does good things.

ACTING PRESIDENT KUHL: Secretary 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 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 328, by Senator Seward.

SENATOR BRUNO: Mr. President. Can I, on behalf of Senator Tully, announce an immediate meeting of the EnCon Committee in Room 123.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Environmental Conservation Committee in Room 123 of the Capitol.

THE SECRETARY: Calendar Number 328, by Senator Seward, Senate Print 2014, an act to amend the Public Service Law, in relation

to restricting access to telephone messages.

ACTING PRESIDENT KUHL: Senator Seward, an explanation has been asked for by Senator Paterson.

SENATOR SEWARD: Certainly, Mr. President. The bill before us authorizes the Public Service Commission to promulgate the rules and regulations to prohibit the access to phone messages that are deemed harmful to minors. Persons wishing to have access to these types of messages must first get a personal identification number, a so-called PIN number, and in so doing would have to prove that they are 18 years of age or older. I would just note that the bill references the Penal Law, Section 235.20, Subdivision 6, in setting forth a standard in determining what is harmful to minors.

The bottom line is that the bill is an effort to establish on a statewide basis standards for the access by adults to these messages and the bill would ensure that we have a consistent standard in process statewide in

dealing with this issue.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President. To Senator Seward, that was a fine explanation. Actually, I heard a far more abridged explanation. Senator Mendez stopped by to tell me that this is a good bill, and I agree completely. It is a good bill, and we do need to restrict access, particularly from minors, when it comes to these types of pornographic material.

The issue that I want to raise, Mr. President, if Senator Seward will yield to a question?

ACTING PRESIDENT KUHL: Senator Seward, do you yield?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Mr. President. My question is, in order to protect those adults who would happen to want to engage

in using that service, which using a service by an adult is not illegal -- I mean in order to do that, do you think the PIN number establishes some sort of identification that might be used against the adult in the future?

SENATOR SEWARD: Mr. President. In response to the question, I would refer Senator Paterson to, on page 2 of the bill, Paragraph C which does -- there is language there which does protect the individual in terms of not allowing the list of the customers who have applied for the PIN numbers or in fact have these PIN numbers -- they can not be revealed to anyone except in a matter involving an enforcement, law enforcement issue in terms of investigating the possible violation of this section of the law.

SENATOR PATERSON: Mr. President. I noticed that section in the bill, and I'm glad Senator Seward put it in there because it does establish a protection. What I am thinking of more is a prevention, and so what I was going to suggest to Senator Seward is, for

instance, with every accompanying telephone number, what if the telephone company mailed to the subscriber an ID number? In that way, everyone who has a telephone -- I'm sorry, not an ID number, a PIN number. So now everybody has a PIN number; and if you want to exercise the service, you use a PIN number. It wouldn't fall into the hands of children because even if children know the telephone number of the - where the pornographic material is, the children can't dial the number without the PIN number. The PIN number would be mailed to the customer. At the same time, you would not have a list of PIN numbers in which you know everybody who has a PIN number is using the service.

And my question, if Senator Seward would yield for a question, is, do you think that would be a way you would establish privacy and stop minors from using the pornographic service at the same time?

ACTING PRESIDENT KUHL: Senator Seward.

SENATOR SEWARD: Well, Mr.

President, I would suggest that Senator Paterson write a letter -- assuming this bill becomes law, you can then write a letter to the Public Service Commission with that suggestion because they, in fact, will under this bill set up exactly what the process is in terms of getting the PIN numbers out to persons who are 18 years of age and older. Our only requirement under this bill is, to obtain a PIN number, you have to be over 18, and exactly how that will work is a matter that will become part of the rules and regulations of the Public Service Commission, so I would suggest that you contact the Public Service Commission once this bill becomes law.

ACTING PRESIDENT KUHL: Chair recognizes Senator Paterson.

SENATOR PATERSON: Mr. President. I would like to thank Senator Seward. I think that that is really very sincere, and I would be willing to write that letter. In other words, that would be a method in which I think we could enforce privacy.

As we know, there was certainly a

rumor, if not more, that a recent proceeding involving the nomination of a Supreme Court justice was almost shrouded in conflict when the opposition was going to raise the fact that he had used a video store to obtain pornographic material legally; and in spite of whatever presumptions might have been made about this individual, who happened to have a rather conservative political point of view, it certainly would not have been fair to have delved into any of his social actions that really didn't relate to the proceeding and were all legal.

And so I just raise it as a matter of trying to protect individuals and the right to privacy of adults who wanted to in their homes use telephone numbers or get videotapes or whatever it is that they want to do; and so I think that the suggestion is well thought out by Senator Seward; and, otherwise, I think at this time, as Senator Mendez said, that this bill is quite laudatory. This is something that we definitely need to protect individuals

who are under 18 from the invasion into our homes of, often, material that we would prefer not to have.

Thank you.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, one question -

ACTING PRESIDENT KUHL: Excuse me one minute, Senator Dollinger.

SENATOR DOLLINGER: If the chairman of the Energy Committee would yield, Mr. President.

ACTING PRESIDENT KUHL: Just a minute, with your indulgence, Senator Dollinger.

Chair would recognize Senator Bruno at this time for an announcement.

SENATOR BRUNO: Mr. President. On behalf of Senator Nozzolio, I would like to ask for an immediate meeting of the Crime Victims Committee in Room 332.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Crime and

Corrections Committee in Room 332, the Senate Majority Room.

Chair recognizes Senator Dollinger.

SENATOR DOLLINGER: Mr. President. Will the chairman of the Energy Committee yield to a question?

ACTING PRESIDENT KUHL: Senator Seward, do you yield?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: I don't think I brought this up in committee, Mr. Chairman, but the issue of access through the Internet to pornographic information, does this bill extend to those Internet connections that you can make through your television screen and that telephone device or that telephone line, or does this only involve what you would call the straight "dial-a-porn" in which you dial a number on your telephone?

SENATOR SEWARD: Mr. President.

This bill would be limited to the use of the actual telephone instrument itself not any of these other -

SENATOR DOLLINGER: I guess, Mr. President, I'm going to vote in favor of this bill as I have in the past. I think that may be something we also want to look at because with the explosion of Internet and other access devices and the increasing frequency of pornographic messages available on that, it uses the telephone transmission line to connect, and it seems to me it poses the same problem we have here, although I acknowledge it probably poses an even bigger privacy issue because it involves access to a computer which is a different machine from the telephone.

It would be interesting to just explore that issue as well and what restrictions, if any, we can put on access to pornographic messages on that, as well.

I'm going to vote in favor of this bill, Mr. President.

ACTING PRESIDENT KUHL: Secretary

will read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Waldon to explain his vote.

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

I believe, Senator Seward, that it would have been better for the suggestion to come from yourself as the prime sponsor of the bill to incorporate the suggestion made by Senator Paterson. I think that once the horse is out of the barn, to protect one's privacy in the manner that he suggested to insure that young people will not have access to this prurient type of information, it's done once the horse, so to speak, is out of the barn.

And I was also very sensitive to the issue Senator Paterson raised in regard to the Supreme Court Justice, Clarence Thomas. I

can recall when I was a police officer at the academy and the standard was established in regard to what the community could sanction and accept in terms of pornographic material; and I remember -- I had a staff of 39 -- all the guys on the job wanted to go to see "The Green Door," "Behind The Green Door," something like that, so that they could make a personal judgment as to what was salacious material regarding the community standard.

When Senator Paterson was speaking, I reflected back and thought, "What would have happened had they all repaired to the theater and had someone seen them there en masse as the instructors at the police academy?" Would that have haunted them later as the situation haunted Clarence Thomas? Not necessarily relevant to what we're saying, but I think that we should not put this into law before those provisos to protect, as suggested by Senator Paterson are included.

On that basis, I am going to again do as I did last year, but for a different

reason this year, vote no.

ACTING PRESIDENT KUHL: Senator Waldon in the negative.

Announce the results.

THE SECRETARY: Ayes 49. Nays 1. Senator Waldon recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Chair recognizes Senator Hoffmann.

SENATOR HOFFMANN: Mr. President. I wonder if the Majority Leader would be willing to yield for a question?

SENATOR BRUNO: Yes, Mr. President.

SENATOR HOFFMANN: Mr. President, through you to Senator Bruno. I have been watching over these last couple weeks the information coming to us from the Assembly, and I know all members today are anxiously awaiting an announcement from you as to the next few days for the members of this body so that we can plan our activity, and over the last few weeks one of

the most exciting achievements to come from this Capitol has been the great progress made through the conference committee established to negotiate the 65 mile an hour speed limit.

With that and with the other great improvements in mind that have taken place recently in a more enlightened and a more opened atmosphere, I wonder, Mr. President, if it might not be possible for the Majority Leader to arrange a vehicle by which the Finance Committee in this house could begin some preliminary review of those figures emanating now from the Assembly -- I would like to say "from the Ways and Means Committee," but, perhaps, if they are not from the committee, even if they are from the house -- from whatever vehicle the Assembly chooses, to send them up.

It seems incumbent on us to take a position to begin a thoughtful and a very public review; and I would ask you, Mr. Majority Leader, if you would be willing to convene the Finance Committee of this house, preliminary to that perhaps to ask the staff to review the

figures emanating from the Assembly, so that in the most timely way possible we would be able to meet and to vote on some budget documents when they do come to us?

SENATOR BRUNO: That was quite a long question, Mr. President.

SENATOR HOFFMANN: I haven't spoken in some weeks, Senator Bruno, and -

SENATOR BRUNO: Yes, it's good to see the good Senator back and looking well and speaking well, as articulate as usual; and, Senator, in response, we're in total agreement on our opening up the process here in the Legislature and the budget process; and we, as you know, have -- we initiated the call for conference committees, and I was very pleased with the success of our first conference committee and hopefully we will see that bill enacted into law.

We have talked with the Speaker, with the Governor, about doing a conference kind of committee on parts of the budget. The attitude has been that if the Speaker would do

his budget, if the Assembly would pass a budget, we could then make judgments on doing parts of those bills, the individual bills in a conference committee setting and hopefully move the process forward, but that, of course, as you know, hasn't happened.

So what the Assembly has done as I guess you have observed, they passed their state op's budget piece, they passed the debt service and they did their own tax package.

And you are suggesting that we look at the state op's piece, and we have talked about doing that, and I think it's good judgment and good sense. We are contemplating and I guess you are recommending that rather than do a conference committee that the Finance Committees in the house review that, and we're going to look at that because I think it has merit, and we had discussed before whether we could even conference the bill itself as a conference committee. It's a large group. The Finance Committee represents a large group, and it doesn't really represent negotiation. It really

represents review.

But I think that anything, Mr. President, that we can do in this house to help move the process forward and to get the Assembly to focus on the budget, we ought to try and do, because it has been frustrating as we sit here day after day waiting for the Assembly to do a budget bill. We have done 70 Article 7 bills that relate to the budget -- 70. The Assembly has done three, and that is a matter of fact. That isn't a matter of parties. Three.

So anything that we can do to move the process forward, we are open to and responsive to. So I would ask that, Monday - the Chair of Finance and I have conferred and we have been talking about this somewhat -- that you take a look, if you will, with your committee on the state op's budget to see how we might reconcile the increased spending that's in their piece -- they substantially increased spending, as all of you know, because I know you've studied the bill in both houses; I know Senator Mendez has because we've been discussing

it -- how you will finance the restoration. You see, that's the missing piece.

So I think the Finance Committee might be the appropriate place to make a judgment on where would you finance the additions? Where would the money come from to finance the additions that are in that state op's piece?

So, again, in an attempt to move the process forward in a nonpolitical, bipartisan spirit, I think we ought to do that. So I know the Chairman of Finance is prepared to move forward in that way.

Thank you, Mr. President.

SENATOR HOFFMANN: Thank you very much. I want to thank Senator Bruno for his very thoughtful and eloquent response to my request and for his willingness to implement what is an entirely new procedure at this point in this stalemate.

SENATOR CONNOR: Point of order, Mr. President. Is there a matter before the body?

ACTING PRESIDENT KUHL: There is not at this time.

SENATOR CONNOR: Thank you.

ACTING PRESIDENT KUHL: Senator Connor, why do you rise?

SENATOR CONNOR: Mr. President. I would like to ask, since it seems to be the practice here now, if Senator Bruno would yield to one question from me?

SENATOR BRUNO: Yes, Senator.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR CONNOR: Thank you. Senator Bruno, I appreciate your parliamentary style in having Question Day.

SENATOR BRUNO: Point of information, Mr. President.

SENATOR CONNOR: Happy to make you prime minister any time you want, Senator. But, Senator, could we also ask the Finance Committee to look at bills that this house has passed and try and figure out where the $540 million in revenues is that would be represented

in the Governor's Article 7 bills that this house has not considered because there is a $540 million deficit in the bills this house passed?

So could we ask the Finance Committee to take a look at that on Monday, too, Senator?

SENATOR BRUNO: Mr. President. I would be happy to ask the Finance Committee out of deference to our very esteemed Minority Leader to do exactly that. But if I did that, Mr. President, I would be asking them to waste their time because we already know the answer; and the number is not 540 million, Mr. President, but it is 499 million that was in those -- that's in the 70 budget bills that we passed -- 499, Mr. President. And that comes from moving around 164 million. We did some additional cuts, and we did some additional restorations, as everyone in this house knows.

And we had an agreed on revenue source with the Speaker and the Minority Leader, and the Minority Leader in the other house and the Governor that there would be 335 million in

additional revenues next year. So we use the 335 plus the 164 in moves and that's 499 and that's exactly what we passed in the budget, and that budget was balanced, Mr. President, and, again, we await the Assembly to do something similar.

So I appreciate all the suggestions from both sides of the aisle on how in a constructive way we can move this process forward, because we're all interested in doing that. We have a great interest in getting a budget together for the people of this state and for ourselves so that we can have done diligently the work that we're elected to do; and how well we're doing that I think is suspect presently.

So any other suggestions, we would welcome and we thank you, and I can see that the Senator is interested in listening to my response diligently.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Bruno, the last bill that passed completed the

controversial calendar.

Senator Waldon, why do you rise?

SENATOR WALDON: Mr. President. While the Majority Leader was speaking, a thought came into my head and I was trying to get your attention to ask him would he yield to a question, and you began to make your statement as he sat.

I was wondering, would he be kind enough to respond to a question or two?

ACTING PRESIDENT KUHL: Senator Bruno, Senator Waldon is asking whether or not you would yield to a question?

SENATOR BRUNO: Mr. President.

SENATOR WALDON: Germane.

SENATOR BRUNO: I would be very pleased to answer a question.

ACTING PRESIDENT KUHL: Senator Bruno yields, Senator Waldon.

SENATOR WALDON: Thank you very much, Mr. President. Let me preface my question, Mr. Leader, by saying this is going to be quick, not elongated, and there is a real

purpose in my asking you to yield.

Senator Bruno, do you recall when this session began that we swore in or were sworn in as Senators of this fine institution?

SENATOR BRUNO: Yes. I'm sorry -

SENATOR WALDON: Do you recall that we all were sworn in?

SENATOR BRUNO: Would you just repeat that? I'm sorry. My counsel was whispering in my right ear.

SENATOR WALDON: Okay. And I know that Senator Skelos is capable of whispering rather loudly. Do you recall as our session began -- this session, this year, began that we were sworn into office?

SENATOR BRUNO: Yes, I do recall that, Mr. President.

SENATOR WALDON: And do you recall also that our Governor was sworn into office.

SENATOR BRUNO: Mr. President, I have a strong recollection of that.

SENATOR WALDON: Very good. Sharp. Sharp today. If I may continue and I'll try to be brief, Mr. President.

Would the Senator continue to yield?

ACTING PRESIDENT KUHL: Senator Waldon, the chair -

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR WALDON: Thank you very much. In our oath of office, Senator, and the oath of office for all of us who are elected officials, maybe not precisely, but do you recall in words and substance that we were all supposed to uphold the laws of this state and the laws of the federal government as part of that oath?

SENATOR BRUNO: That's my recollection, Mr. President.

SENATOR WALDON: Senator, you were talking about moments ago -- if I may

continue, Mr. President?

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

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: This is, of course, totally out of order, and you all know that.

SENATOR BRUNO: Yes, and some moment soon we have to return to a structure here.

SENATOR WALDON: I will get to it as soon as I can, Senator. I apologize for the slowness of the process.

Made me lose my thought, Randy.

In our swearing in, et cetera, et cetera, which you just addressed, Senator -- no, let me rephrase that.

It is my understanding, Senator Bruno, that you do not personally support denying employees their salaries for work done. Is that correct, sir?

SENATOR BRUNO: Is that a question as to my -

SENATOR WALDON: Your personal.

SENATOR BRUNO: Yes -

SENATOR WALDON: One last question.

SENATOR BRUNO: Mr. President. Yes, is that your last question?

SENATOR WALDON: The next one is the last one.

SENATOR BRUNO: Oh!

ACTING PRESIDENT KUHL: Senator Bruno, do you yield to one last question?

SENATOR BRUNO: Did I answer that one yet, Mr. President?

SENATOR WALDON: I think you said "Yes."

SENATOR BRUNO: No, let me just be clear on this. I feel that as elected representatives of the people, we have a responsibility to represent the people and sometimes we have to put our personal wishes and desires aside and do what we feel is in the best

interest of the great majority of the people in this state; and, consequently, I supported the legislation before the house yesterday because I think it is most representative of how we can govern in moving us to a budget for the people of this state.

ACTING PRESIDENT KUHL: Do you have one last question still, Senator?

SENATOR WALDON: Last question.

ACTING PRESIDENT KUHL: Senator Bruno, do you yield to one last question?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR WALDON: Senator Bruno, the Constitution of the United States requires, through implied contract, that those who work be paid. Understanding that, would you violate the Constitution of the United States in terms of denial of pay; or would you support the concept -- or do you support the concept that those who work should be paid and that -- without

addressing it directly, that perhaps the Governor is off base by refusing to pay people who should be paid and is, in fact, in conflict with the Constitution of the United States?

I thank you, Mr. President. That's my question. I put it out there for Senator Bruno, and I appreciate his indulgence and the indulgence of my colleagues.

SENATOR BRUNO: Thank you, Senator.

Mr. President. All of us know from our own personal experiences with our own checkbooks that it is against the law to write a check when you know that there are insufficient funds in your account to cover that check; and, Mr. President, there are presently insufficient funds in the state's checking account because by law the budget ceased on March 31, and we are going by special appropriations; and since there are insufficient funds, Mr. President, the poor hard-working, dedicated, committed employees of this Legislature can only be paid partially for their good work; and two weeks from tomorrow,

they will be paid zero for their good work unless we get a budget in place.

So, Mr. President, I would hope that the overdrafts that presently exist here in New York State because of the Assembly's inability to help us move a budget forward, Senate employees, Assembly employees, cannot be paid in full this time or at all next payday. So it really is incumbent on all of us, and I would ask you while you are asking these questions and making these comments that we direct our attention to the Speaker of the Assembly.

And the Speaker, as I understand it, is going to have a press conference at 2:45 today, and I think it's open to the public; and any of you that would like to attend, I'm sure he would like to see you there; and at the bottom of that information for the press, there is a statement that says -- I don't have it in front of me, but "This will be a photo opportunity, so be there."

Now, while we in this house have

been diligent in passing our budget bills, we have been here, prepared to do the public's work, the Speaker is preparing photo opportunities this very afternoon, and I can't wait to see what kinds of pictures, Mr. President, that photo opportunity will produce. We can all conjure up in our imagination all kinds of goings on.

What I would like to conjure up is a picture of the Speaker as a representative of the Assembly, myself in representing this very distinguished body, the Governor, signing budget bills that we have agreed on as they move forward to become the budget of this state. That would be an outstanding photo opportunity, Mr. President, and I would hope that this press conference this afternoon might give some reference to some timetable when we might see a budget move through the Assembly so that they then would at least have done what we have done in this house, where we worked so hard and so diligently to do a budget for the people of this state by March 31st, and we did that.

We did that, and that is a budget that was negotiated first three ways. When I say three, Assembly, Senate, and both houses, both sides of the aisles represented, and with the Governor; and then two ways, because the Speaker decided that he couldn't participate in what we were coming to an agreement on, so we passed that budget.

So, Mr. President, having done our work, I am very cognizant of the fact, as the good Senator pointed out, that we are not writing checks to some people that deserve them. But we in this house since we have done our work will go home, and we will go home and we will meet with our constituents. We will confer with them and we will answer their questions about the budget that we passed and the budget that the Assembly is unwilling to pass. So I think that is incumbent on all of us to be doing that, and we would return here on Monday.

Now, Mr. President, since there is a cash shortage, we should also note that

every day the Legislature is in town costs the taxpayers of this state about $25,000 in per diems, both houses. It's 15-16,000 with the Assembly; and since there is nothing happening in session there that relates to moving a budget forward, it would appear that it might be more prudent that they go home until they are ready to do the people's work, pass budget bills, consequently save the taxpayers money.

We're going to have a leaders' meeting at 5:00 o'clock today, I believe. We will have a leaders' meeting whenever the Governor calls it. We'll be there, and he has had any number of them, unfortunately nonproductive. But the least that we can do is be back in our districts with our constituents explaining to them what this process is all about, and the bottom line is you can't have a budget, Mr. President, unless it passes the Senate and the Assembly in identical form and gets signed by the Governor. The Senate with the Governor have passed identical bills, bills that we agree on. We're awaiting on the

Assembly. So while we wait, we will go do our work in our districts; and there being no further business to come before the Senate -

ACTING PRESIDENT KUHL: Excuse me, Senator Bruno.

Senator Galiber.

SENATOR BRUNO: Mr. President. Would you recognize Senator Galiber.

SENATOR GALIBER: Mr. President. Thank you. I would like to request unanimous consent to be recorded in the negative on 294 and 328. The Senate numbers are 2908 and 2014.

ACTING PRESIDENT KUHL: 294 and 3...?

SENATOR GALIBER: 328.

ACTING PRESIDENT KUHL: Without objection, Senator Galiber will be recorded in the negative on Calendar Number 294 and 328.

Senator Libous, why do you rise?

SENATOR LIBOUS: Could I ask the Majority Leader where might that photo opportunity be taking place, if he can give us the location for some of us who might like to

have our photo op.

ACTING PRESIDENT KUHL: Senator Connor has volunteered to get the information for you.

SENATOR BRUNO: Mr. President. There being no further business to come before the Senate, I move that we stand adjourned until Monday at 3:00 p.m., intervening days being legislative days.

SENATOR CONNOR: Mr. President. On the motion.

ACTING PRESIDENT KUHL: Senator Connor, on the motion.

SENATOR CONNOR: Mr. President. There are some things I think -

ACTING PRESIDENT KUHL: Senator Connor, excuse me. The motion is not debatable, moving to adjourn.

SENATOR CONNOR: The motion to adjourn is debatable.

ACTING PRESIDENT KUHL: I don't believe so.

SENATOR CONNOR: We can have a

slow roll call, and I can explain it.

We have unanimous consent to make a brief statement.

SENATOR BRUNO: Explaining his vote, Mr. President.

SENATOR CONNOR: Thank you.

ACTING PRESIDENT KUHL: Chair recognizes Senator Connor to explain his vote.

SENATOR CONNOR: Thank you.

Thank you, Mr. President. That press conference will be on the second floor, and the purpose of it is the Speaker and I are going down to see if we can find the Governor. I think we won't find him there because he is back on the campaign trail as he's been since last Wednesday. The Lieutenant Governor we haven't seen except for one brief sighting in Albany in about a month.

The Governor is back on the campaign trial. He won't find the budget on the campaign trial. He will find the budget in Albany at the negotiating table. It was clear after the controversies of early last week,

after the ice cream -- excuse me, Senator Bruno. I don't want to ascribe cholesterol and calories to you. After the frozen yogurt, that the Speaker and the Governor were going back to the table and, lo and behold, the Governor decided rather than negotiate he would rather go back on the campaign trail, although judging by the reception he's received in certain places, I don't know why. But if he wants a budget, he should be here in Albany negotiating.

With respect to paying the staff, hear me. That's the legislative and judicial budget. It's passed this house. Senator Bruno would call it flat. It's not flat. For some reason, apparently the judiciary was cut $31 million, and we know the legislative budget as it pertains to the Senate is not flat because of the $1-1/2 million in the reappropriations.

Be that as it may, all it takes is for Senator Bruno to sit down with the Speaker, and I'll bet in one day they could negotiate. They could negotiate a legislative and judiciary budget. I heard the Speaker say

to Senator Bruno the other day -- he said, "Joe, you've got state op's. Let's negotiate about that. You've got two versions of that; and, by the way, let's sit down and do a legislative and judicial budget. It won't take us but a few hours to agree on that." Having agreed on that, that could pass both houses, and the hard working staff of the Legislature, which is legally entitled by the laws of this state as well as federal laws to be paid, would be paid.

Now, the only answer -- the only answer as to why they might not be made would be if the Governor vetoed that bill. But if it's agreed upon by the Speaker and Senator Bruno, I can't imagine he would veto it for any substantive reasons. It's for all intents and purposes a virtually flat budget, so to say we have to see all the other budget bills to see if it's in balance is pure nonsense. The Majority Leader claims it's a flat budget. Flat budget, no significant extra spending. We know a couple million slipped in the Senate side but that's not a lot of money.

So why not pass that? Why not go talk to the Speaker instead of adjourning. Let's have some care for our employees. Go talk with the Speaker, agree on a legislative and judicial budget, and we'll pass it tomorrow or the next day. Then the staff will get paid. That's what we ought to do. I can't believe despite all his threats the Governor is going to club the staff members by vetoing that bill. It has no major fiscal plan implications. It's virtually flat. So there is an answer other than this political posturing, other than this campaign trail rhetoric, Mr. President.

ACTING PRESIDENT KUHL: How do you vote on the motion, Senator Connor?

SENATOR CONNOR: I vote no.

ACTING PRESIDENT KUHL: Senator Connor in the negative on the motion to adjourn.

Senator Skelos.

SENATOR SKELOS: Mr. President. If I could explain my vote.

ACTING PRESIDENT KUHL: To explain his vote.

SENATOR SKELOS: I'm going to support the motion to adjourn because the Senate under the leadership of Senator Bruno, we have passed a budget on March 31. We're not looking to photo ops as is Senator Connor and the Speaker. They should be spending time passing a budget in the Assembly.

Now, in terms of the Governor, the Governor is performing his responsibilities right now, Senator Connor, because he is in the city with the Mayor, your Mayor of New York City, explaining how the various welfare and Medicaid restorations that the Assembly is looking to impose upon the people of the State of New York will cost the taxpayers of New York City $750 million. In Nassau County -- in Nassau-Suffolk, close to $52 million that he wants to impose upon my homeowners and real property taxpayers and, certainly, your real property taxpayers; and, in fact, in the rest of the state, it would be an increase of taxes of potentially 7-1/2 percent.

So, Mr. President, I think we

should adjourn because the Senate has done its business. We don't want to spend $25,000 a day needlessly, as I guess the Speaker wants, unless he's passing budget bills. We want to help the hard-working taxpayers of the City of New York where the Governor is now again with Mayor Giuliani trying to protect them from $750 million in tax increases that the Speaker wants to force upon them.

So, Mr. President, my vote is to adjourn.

ACTING PRESIDENT KUHL: All those in favor of adjourning, signify by saying aye.

Senator Paterson to explain his vote.

SENATOR PATERSON: Mr. President. I don't know how anyone could vote for this motion because everyone obviously wants to continue this discussion and prolong it as long as possible, but there are just a couple of points that I would like to make. One is just that the notion that we are writing checks for which we don't have an account, in the $499

million of spending that are in the budget that we the Senate passed allegedly before April 1, there are $225 million that I can't account for. 115 million, I believe, are going to eventually come from a quickdraw game and 110 million are going to come from a pension fund raid that will probably account for 225 million of the 499 million in spending. However, our budget never demonstrates where the money that we're spending is actually coming from. The proposed cuts to the welfare system, even with the Governor's acknowledging that the Assembly has some good ideas about how to save money, are further than what the savings would actually be, and so these are issues that can only be negotiated, and so to put the argument on the table by passing a budget prior to an agreement is a way to demonstrate one's point of view.

But to put that point of view out there without explaining where the funding is coming from is really part of the negotiations itself, and so I would support Senator Connor's notion that we should stay; if nothing else,

that we should try to redeem ourselves for the fact that we did not reappropriate money to pay all of the staff. We reappropriated money to pay some of the staff.

And I would just like to put on the record that we didn't have budgets in this state until 1920. We just raised revenues and paid out the proceeds. So, legally, we are entitled to pay those individuals who work for us. What we did is met our legal obligation by reappropriating money to actually pay them and then they can draw from that amount of money, and this is something that can be very simply accomplished. But I would suggest to those employees who tomorrow will receive 70 percent of their salary, and on May 3 may receive none of their salary, that they have a remedy in this country and they have a remedy in a court of law, and I think I'm going to spend the time not only conferring with my constituents if we do adjourn, but conferring with some attorneys about how to bring that process to fruition.

ACTING PRESIDENT KUHL: All those

who wish to vote against adjourning, signify by saying nay.

SENATOR PATERSON: Party vote in the negative.

ACTING PRESIDENT KUHL: The secretary will call the roll.

(Secretary called the roll.)

Record the party line vote.

THE SECRETARY: Ayes 33. Nays 20. Party vote.

ACTING PRESIDENT KUHL: Senate stands adjourned until next Monday at 3:00 p.m., April 24.

(Whereupon, at 2:20 p.m., Senate adjourned.)