ALBANY, NEW YORK

May 3, 1995

10:07 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR. Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. Members please find their chairs. Will you all rise with me and say the Pledge of Allegiance to the Flag.

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

ACTING PRESIDENT KUHL: We'll defer the prayer until the visiting clergy arrives.

Ask the Secretary to read the Journal.

THE SECRETARY: In Senate, Tuesday, May 2nd. The Senate met pursuant to adjournment, Senator Kuhl in the Chair upon designation of the Temporary President. The Journal of Monday, May 1st, was read and ap proved. On motion, Senate adjourned.

ACTING PRESIDENT KUHL: Hearing no objection, the Journal will stand 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 Marchi.

SENATOR MARCHI: Mr. President, on page number 15, I offer the following amendments on Calendar Number 164, Senate Print Number 2198, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 164 are received and adopted; bill will retain its place on the Third Reading Calendar.

Senator Bruno, we have a couple of substitutions at the desk if you'd like to take those at this time. We have some substitutions at the desk, Senator Bruno, if you'd like to take those.

SENATOR BRUNO: Would you make the substitutions, Mr. President.

ACTING PRESIDENT KUHL: Secretary will read the substitutions.

THE SECRETARY: On page 4, Senator Tully moves to discharge from the Committee on Tourism Assembly Bill Number 1808 and substitute it for the identical Calendar Number 631.

On page number 6, Senator Maltese moves to discharge from the Committee on Finance Assembly Bill Number 1248 and substitute it for the identical Calendar Number 649.

On page 8, Senator Libous moves to discharge from the Committee on Education Assembly Bill Number 5276 and substitute it for the identical Senate bill, Calendar 662.

ACTING PRESIDENT KUHL: Substitutions are ordered.

Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, I understand that there is a resolution at the desk sponsored by Senator Connor. I would ask that it -- the title be read, and we move its adoption.

ACTING PRESIDENT KUHL: Secretary will read the title to the privileged resolution by Senator Connor.

THE SECRETARY: By Senator Connor, Legislative Resolution memorializing Governor George E. Pataki to proclaim the week of May 1st, 1995 as Israeli Independence Week and May 4, 1995 as Israeli Independence Day in the state of New York.

ACTING PRESIDENT KUHL: Question -- Senator Connor on the resolution.

SENATOR CONNOR: Mr. President, if we could, I would gladly open this resolution to any co-sponsorship to any members who would like to -

ACTING PRESIDENT KUHL: Senator Connor, would it be O.K. if we put all of the members on the resolution except those who do not want to be, and we'll ask them to identify themselves at the desk; is that O.K.?

SENATOR CONNOR: That's fine.

ACTING PRESIDENT KUHL: O.K. We'll ask the Secretary to do that.

Question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, I believe there is another resolution sponsored by Senator Trunzo. I would ask that the title be read and move its adoption.

ACTING PRESIDENT KUHL: Secretary will read the title of the Legislative Resolu tion by Senator Trunzo.

THE SECRETARY: By Senator Trunzo, Legislative Resolution commemorating New York State Water Week May 7 through 13, 1995.

ACTING PRESIDENT KUHL: Senator Trunzo, on the resolution.

SENATOR TRUNZO: Mr. President, I would like to open up the resolution to all members if we could.

ACTING PRESIDENT KUHL: Follow

the same procedure. We'll put all members on the resolution except those who don't want to be put on. Question is -- Senator Cook?

Question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The resolution is adopted.

Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, I believe there is another resolution at the desk, this one sponsored by Senator Hoblock. I would ask that it be read in its entirety and then move its adoption.

ACTING PRESIDENT KUHL: Secretary will read the privileged resolution by Senator Hoblock in its entirety.

THE SECRETARY: By Senator Hoblock, Legislative Resolution memorializing the Honorable George E. Pataki, Governor, to proclaim May 7, 1995 as Victory in Europe Day in the state of New York.

WHEREAS, it is the sense of this legislative body that those who give positive definition to the profile and disposition of our American manner, do so profoundly strengthen our shared commitment to the exercise of freedom; and

WHEREAS, attendant to such concern and fully in accord with its long standing traditions, it is the intent of this legislative body to commemorate the 50th Anniversary of Victory in Europe, May 7, 1995; and

WHEREAS, in December 1944, the Germans staged a last ditch counterattack in the Ardennes; by January 1945, however, the allies were continuing their drive into Germany; the Russians had conquered East Germany to the Oder; on March 7, on March 7 the western allies broke through the Siegfried Line, crossed the Rhine and overran West Germany; in April 1945, after Hitler's suicide, German resistance collapsed and on May 7, 1945, Germany surrendered unconditionally; and

WHEREAS, it is the sense of this legislative body to acknowledge and to yet commemorate the sacrifice of so many of those of the American armed forces who gave their lives in freedom's cause;

NOW, THEREFORE, BE IT RESOLVED that this legislative body pause in its deliberations and memorialize the Honorable George E. Pataki, Governor, to proclaim May 7, 1995 as Victory in Europe Day, fully confident that such procedure mirrors our shared commitment to preserve, to enhance and to yet effect that patrimony of freedom which is our American heritage; and

BE IT FURTHER RESOLVED that a copy of this resolution, suitably engrossed, be transmitted to the Honorable George E. Pataki, Governor of the state of New York; and

BE IT FURTHER RESOLVED that copies of this resolution, suitably engrossed, be transmitted to the veterans associations of the state of New York.

ACTING PRESIDENT KUHL: The Chair

recognizes Senator Hoblock on the resolution.

SENATOR HOBLOCK: Mr. President, on the resolution. I was only two years old when the war ended in Europe, yet World War II had a profound impact on my life as I'm sure it did so many others. As I was growing up, I was surrounded by the stories of the men and women who fought and died for our country, not just in Europe, in North Africa, but also in islands all across the Pacific.

I remember my parents talking about the depression and how the great victory in Europe ended that depression and brought us into a new era of prosperity. I remember learning about America, the arsenal of democracy, how it entered the war after the devastating attack on Pearl Harbor, how we quickly sent men and women and the machines of war across the ocean to fight the tyrants of the Axis.

I've always appreciated, as I'm sure so many others, the sacrifices these brave men and women made. When I was of age, we were

in a new and different war, but I remembered the role played by the United States and so many men and women during that time and, like so many others, I joined the armed forces. I was fortunate and privileged to have put on the uniform of this country and served in the armed forces, but more fortunate than so many others in having returned from combat in one piece.

Ours was a different war but, after serving in the armed forces, I think I grew to have more respect not only for our country but for the people who served it.

Today, we commemorate the end of the war in Europe, May 7, 1945. It was the beginning of the end of the great war, allowing the country to turn its efforts to the Pacific, but there was still a great deal of fighting to do. It wouldn't be until August, and it would require the United States to usher in the atomic age, but we saved the lives of millions of Americans and allied soldiers who would have otherwise had to invade Japan.

Fifty years after the end of the

war in Europe, the world is a much different place. We have seen since, the rise and fall of Communism and the end to the Cold War. We have seen the United States emerge as the preeminent force for freedom in the entire world. Thanks to the sacrifice of so many, we are still the moral leaders of the civilized world.

Today, as a veteran and as chairman of the Senate Veterans Committee, I would respect all -- respectfully ask all of my colleagues to join me in continuing to honor our country and our warriors on the anniversary of the great victory for freedom.

Let all the tyrants know that we continue to stand for freedom and justice because of the victories and the sacrifices made by so many 50 years ago.

Thank you.

SENATOR WALDON: Mr. President.

ACTING PRESIDENT KUHL: Senator Waldon, on the resolution.

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

I want to echo the learned Senator and friend from this area, Michael Hoblock and say just this: that there were many people who contributed to our victory in the great war and in all of the wars of this nation, but especially I would like to cite the contributions made by the Nisei-Americans, the African-Americans, Puerto Rican-Americans and the native Americans, because had it not been for the ability of the native Americans to speak in a language that was not decipherable by our enemies, many more lives would have been lost.

So in memorializing this day and respecting and honoring those who have given the last and full measure on behalf of this nation, let us not forget those who are sometimes not regarded in the same breath as others.

Thank you very much, Mr. President.

ACTING PRESIDENT KUHL: The Chair would remind the members that this resolution was adopted yesterday. The Chair recognizes Senator Cook. Senator Cook waives.

Senator Bruno, that brings us to the calendar.

SENATOR BRUNO: Mr. President, can we at this time recognize Senator Cook.

SENATOR COOK: Thanks.

ACTING PRESIDENT KUHL: Was wondering when the Senator was going to respond.

SENATOR COOK: I was having a very important discussion.

ACTING PRESIDENT KUHL: Welcome to the chamber, Senator Cook.

SENATOR COOK: Would you please place sponsor's stars on -- this will be 494, '-5, '-6 and '-7.

ACTING PRESIDENT KUHL: Sponsor's stars will be placed on calendar 494, 495, 496, 497.

Now that brings us to the calendar.

SENATOR BRUNO: And now, Mr. President, can we take up the non-controversial calendar.

ACTING PRESIDENT KUHL: Secretary will read the non-controversial calendar.

THE SECRETARY: On page number 17, Calendar Number 213, by member of the Assembly Robach, Assembly Print 1983B, an act to amend the General Municipal Law, in relation to the sale of raffle tickets.

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 45.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number -- excuse me. On Calendar Number 213, Senator Tully in the negative. Ayes 45, nays 1.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

401, by Senator Lack, Senate Print 1295, an act in relation to appointment of certain non-judicial officers and employees of the unified court system.

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 46.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 443, by member of the Assembly Aubry, Assembly Print 5506A, an act to amend the Labor Law, in relation to requiring employers to grant leaves of absence to employees participating in a bone marrow donation program.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 120th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 45, nays one, Senator Kuhl in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 444, by Senator Spano, Senate Print 2103, an act to amend the Workers' Compensation Law, in relation to attorneys' costs.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 454, by Senator Farley, Senate Print 1290, an act to amend the Public Authorities Law, in relation to annual commuter car pool permits.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 46.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 458, by Senator Levy, Senate Print 3548, an act to amend the Public Authorities Law, in relation to requiring the Metropolitan Transportation Authority to issue anti-crime initiative reports.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 459, by Senator DeFrancisco, Senate Print 4053,

an act to amend the Public Authorities Law, in relation to the transfer of employees between the Thruway Authority and the Canal 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 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 460, by Senator Levy, Senate Print 4078, an act to amend the Vehicle and Traffic Law, in relation to decisions of the administrative appeals board.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

January.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 463, by Senator Hannon, Senate Print 1265, an act to amend the Environmental Conservation Law, in relation to providing hunting and fishing licenses.

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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

464, by Senator DiCarlo, Senate print 2171, an act to amend the Education Law, in relation to Regents awards for children of disabled veterans.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 465, by member of the Assembly Tocci, Assembly Print 2542, an act to amend the Military Law, in relation to application for civil service examinations by military personnel.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 468, by Senator Stafford, Senate Print 608, an act to amend the Environmental Conservation Law, in relation to increasing the criminal penalties for illegal taking of big game.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

469, by member of the Assembly DiNapoli, Assembly Print 4123, an act to amend the Environmental Conservation Law, in relation to establishing restrictions on the taking of blackfish or tautog.

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. )

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Ayes 47, nays one, Senator LaValle recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 470, by Senator Seward, Senate Print 3019, an act to amend the Environmental Conservation Law, in relation to limiting the number of lures and baits which are allowed on each line when

angling.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect July 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 47, nays one, Senator Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 471, by Senator Sears, Senate Print 3545, an act to amend the Environmental Conservation Law, in relation to the hooking, snatching or snagging of Pacific salmon.

SENATOR SEARS: Lay aside for the day, please.

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

THE SECRETARY: Calendar Number 472, by Senator Nozzolio, Senate Print 2822, an

act in relation to participation in the Seymour Public Library District by that portion of the town of Sennett.

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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 476, by Senator Holland, Senate Print 1469, an act to amend the Social Services Law, in relation to direct payment of shelter allowances.

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. )

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Ayes 48, nays 2, Senators Markowitz and Mendez recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 483, by Senator Volker, Senate Print 3401A, an act to reopen the special retirement plan available to police officers employed by the town of Avon.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. 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 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 489, by member of the Assembly McEneny, Assembly Print 5034, an act to amend Chapter 200 of the Laws of 1909, relating to incorporating the trustees of the endowment fund of St. Paul's Protestant Episcopal Church.

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 50.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno, that completes the non-controversial calendar.

SENATOR BRUNO: Do you want to be recognized?

ACTING PRESIDENT KUHL: Excuse

me, Senator Bruno. Senator Waldon, why do you rise?

SENATOR WALDON: Thanks, Senator Bruno.

Mr. President, I was called out of the chamber on other legislative business. Is it too late to respectfully request unanimous consent to be recorded in the negative on 476?

ACTING PRESIDENT KUHL: Without objection, Senator Waldon will be recorded in the negative on Calendar Number 476.

SENATOR WALDON: Thank you, Mr. President.

SENATOR BRUNO: O.K. Mr. President.

ACTING PRESIDENT KUHL: Senator Abate.

SENATOR ABATE: Yes, I would like to be registered in the negative on Calendar 476.

ACTING PRESIDENT KUHL: Without objection. No objection, Senator Abate will be recorded in the negative on Calendar Number

476.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, on behalf of Senator LaValle who chairs the Higher Education Committee would like to ask for a meeting of the Higher Education Committee at 10:30 in Room 125. Thank you, Mr. President.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Higher Education Committee in one minute at 10:30 in Room 123 of the Capitol.

SENATOR BRUNO: 125.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: 125 is what you said, I heard you.

ACTING PRESIDENT KUHL: 125.

SENATOR BRUNO: Thank you, and Mr. President, can we now recognize Senator Connor, who has something of interest, I believe, to my colleagues. Thank you.

ACTING PRESIDENT KUHL: The Chair

recognizes Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Mr. President, I was just handed these 23 pages entitled "Memorandum Decision and Order" from the United States District Court in the Northern District of New York, in the case of Suzanne Haley, Ruth Verbal and other staff members of the Senate Minority and the Assembly Majority against George Pataki as Governor and against the state of New York.

That's 23 pages, but I would like to just read a pertinent part with respect to the plaintiffs' claims the judge laid bare, and some of the grounds he felt he couldn't reach now but he did find irreparable harm. Since the state, the Attorney General had inserted an Eleventh Amendment defense, that triggers the ability of the court to say there will be irreparable harm in not paying employees, and with respect to the contract clause of the United States Constitution, the Court found: "The Court has little difficulty in finding

that the plaintiffs have established a showing of likelihood of success under their claim under the contract cause of the Constitution." The Court inter alia further found: "Additionally the court is unlikely to find that such a substantial empowerment of contracts is 'reasonable and necessary to serve an important public purpose'. While the quick passage of the state budget can be viewed as an important public purpose, assuming for the sake of this argument that it is the purpose, it is certainly far from clear that non-payment of the legislative staff is a reasonable and necessary step in achieving this goal.

"Furthermore, under New York law, state employees are banned from lobbying activities, and so legally cannot attempt to coerce their employers into passing the budget."

Getting to the conclusion: The Court, concerned with certain federalist principles, finds that, of course, they can't - they can't order the Governor to appropriate funds, but what the Court does is order that

insofar as the Governor undertakes to send future appropriation bills and messages of necessity to the Legislature for the payment of state workers, he may not exclude payment to legislative employees from such bills, and a portion of these same funds must be allocated for the payment of legislative employees. This is not to say that the Governor must allocate additional funds to pay these employees, but any funds he does seek for the payment of state workers must be divided to include legislative employees as well.

So, in effect, the court has found that the Governor's actions violated the Constitution and has directed the Governor in sending future appropriation bills, and I suspect there are some due on Monday, he must include the legislative staff.

I see broad smiles here. I thank you for your support on this side of the aisle and I thank my colleagues on the other side of the aisle (applause) -- my colleagues on the other side of the aisle for your whispered

encouragement in the lounge and hallways.

Thank you.

ACTING PRESIDENT KUHL: Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Senate Resolution 819, by Senator Larkin, and before proceeding, Mr. President, can we ask I believe we have the Chaplain with us from West Point, and since we didn't open this session with a prayer maybe we can ask him to, at this time, lead us in a prayer.

ACTING PRESIDENT KUHL: Thank you, Senator Bruno.

We are very privileged to have with us the Reverend Richard P. Camp, Jr., who is the Chaplain at the United States Military Academy at West Point in West Point, New York, and I would ask Reverend Camp at this time, or Chaplain Camp, at this time to deliver an invocation.

REVEREND RICHARD P. CAMP: Please join me in prayer.

On this colorful spring morning, our Father, we pause from the busyness of this session and these agendas to consider the words of the psalmist who said, I lift up my eyes to the mountains. Does our help come from the mountains? No, our strength comes from the Lord who made heaven and earth and mountains.

We ask you afresh this morning, Almighty God, to guide the men and women of this Senate. You know how often they have to walk the tight rope between truth and good will, between one view and another, between one person and another. So let them ever keep their eyes on Your truth that they may walk without stumbling and accomplish with diligence the business before them this day.

We pray today for the colleges and the universities throughout this state of New York and especially we pray today for the United States Military Academy at West Point. May her product continue to be a source of pride for our state and a source of strength for our nation.

In Your strong name we pray. Amen.

ACTING PRESIDENT KUHL: Amen.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, I believe there's a resolution at the desk that has been sponsored by Senator Larkin. Could we ask that that resolution presently be read in its entirety.

ACTING PRESIDENT KUHL: Secretary will read the privileged resolution by Senator Larkin which is at the desk, in its entirety.

THE SECRETARY: Legislative Resolution, by Senator Larkin, Senator Bruno and others: Legislative Resolution, celebrating the establishment of the United States Military Academy at West Point and memorializing Governor George E. Pataki to declare May 3, 1995 as West Point Day in the state of New York.

WHEREAS, this legislative body is justly proud to celebrate the establishment of the United States Military Academy at West Point

and to call upon Governor George E. Pataki to declare May 3, 1995 as West Point Day in New York State; and

WHEREAS, by an act of Congress on March 16, 1802, the United States Military Academy was established within the borders of New York State on the banks of the Hudson River;

The Academy and its graduates are an integral part of the proud history of this state and nation;

The leadership and sacrifices of the members of the Long Grey Line have helped this country withstand countless threats to our cherished democratic way of life;

The alumni have excelled not only on the battlefield but in many fields of endeavor;

The Academy continues to provide our country with able and dedicated future leaders;

Its scenic campus is a mecca each year for thousands of visitors from across the state, continent and other countries;

The United States Military Academy is in the forefront of our state's outstanding institutions of higher learning; and

WHEREAS, 45 years ago the late James T. McNamara, then a member of the New York State Assembly and member of the Academy's class of 1939, was the author of the state Legislat ure's first "West Point Day" Resolution;

For decades our nation has enjoyed the legacy of freedom and the United States Military Academy at West Point has played a vitally significant role in the maintenance of peace and freedom, and

WHEREAS, the members of this legislative body are equally proud to commemorate this event, marking May 3rd, 1995 as West Point Day in New York State;

NOW, THEREFORE, BE IT RESOLVED that this legislative body pause in its deliberations to celebrate the establishment of the United States Military Academy at West Point and to memorialize Governor George E. Pataki to declare May 3rd, 1995 as West Point Day in New

York State; and

BE IT FURTHER RESOLVED that a copy of this resolution, suitably engrossed, be transmitted to Governor George E. Pataki.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Larkin on the resolution.

SENATOR LARKIN: Mr. President, it is my honor to be the prime sponsor of this resolution recognizing the United States Military Academy at West Point. This is the 41st year that this chamber has honored the United States Military Academy. The traditions of this Academy are such that we hold them near and dear to us.

Since its founding in 1802, West Point has graduated many of the finest military and civilian leaders of our time. The father of the military academy was Colonel Sylvanus Thayer. The instructors today at the Military Academy are continuing the tradition established by Colonel Thayer.

It is my pleasure to inform you today, my colleagues, that the latest officer to

lead the United States Military Academy and its 4,000 cadets is with us today, Lt. General Howard D. Graves. (Applause) General Graves continues to provide the leadership skills he himself acquired at the United States Military Academy. General Graves is the class of 1961. General Graves is a distinguished career military officer. He has served as a combat commander in both foreign and in the United States of America. He has been a combat engineer battalion commander, the 20th Engineer Airborne Brigade. He has also served as the assistant division commander of the Big Red I and as division engineer for the 1st Cavalry, Air Mobile. His positions of responsibility have been great.

Prior to assuming his position as the Superintendent of the United States Military Academy, he was the deputy to then Chairman of the Joint Chiefs of Staff Colin Powell.

The cadets at West Point are fortunate to have the benefit of General Graves' leadership experience, one which is an asset

that they should value more than any other direction and guidance that they will ever receive. The cadets seated here before you are being asked to lead a smaller, faster, leaner, ever changing, more technologically advanced army than their predecessors. They will execute missions that may appear to bear little resemblance to those fought by previous graduates of the Academy.

While the scene of tomorrow's battlefield may change dramatically, the men and women who will soon possess the responsibility to lead the soldiers must essentially be the same as those of their predecessors of the famous Long Grey Line.

Mr. President, I believe no individual is born with honor, courage or a sense of duty. Those qualities must be encouraged by people who already possess such strengths and have displayed them under the most severe situation. Furthermore, the qualities of honor, courage and duty cannot truly be embraced by those who do not understand the sacrifices

that oftentimes accompanies them.

I suggest to you, Mr. President, my colleagues, that the Military Academy at West Point has encouraged those qualities for over 120 -- 190 years to men and women who are able to embrace them. It is a tradition that we should be proud of, a tradition that we as members of this house should support in any way we can.

It is my pleasure, therefore, to sponsor this resolution saluting the Academy, its faculty and its staff, and the future leadership of the United States Army.

Joining us today in this contingent from the Academy, it is my honor to introduce to you once again the Superintendent of the United States Military Academy, Howard D. Graves; the Reverend Richard P. Camp, who just gave our invocation. The staff coming with the Superintendent, Lieutenant Colonel Donald McGrath, Director of Public Affairs; Major Leonard McWherter, Aide-de-Camp to General Graves and Captain James Piggott, Tactical

Officer.

Also joining us, and I'd like to have them stand as their names are called, the First Captain who runs the cadets, who is a native of Bellingham, Minnesota. Also joining us from across the state of New York Cadet James Cadet, Rockland County; Cadet Thomas Carey from Essex County; Cadet Jeramie Fitzgerald, of Erie County; Cadet Andrea French, Oneida County; Cadet George Guszcza, Otsego County; Cadet Katharyn Kilbride, from Nassau County; Cadet Joshua Lubarsky, from Westchester County; Cadet Eric McAllister, from Schoharie, Cadet Mark Miles from Orleans; Cadet Scott Rath, from Oswego; Cadet Laura Sabatini, from Dutchess County, and Cadet Sakima Green from Dutchess County.

My colleagues, this is the future of not only the United States Army, but this is the future. This is the men and women that we in the state of New York send to the United States Military Academy. They are, as some people say and the leader has said it before,

the bricks and mortar of the state, this nation and the leadership of the free world.

Ladies and gentlemen, the United States Military Academy. (Applause).

ACTING PRESIDENT KUHL: The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, I would like to thank Senator Larkin for his resolution bringing the cadets here that he so ably represents. Want to add my welcome to General Howard Graves, to the faculty, to the staff and especially to the cadets.

Senator Larkin, through the resolution, reviewed General Graves and some of his accomplishments. I'd like to add that his record is truly impressive. Among the other accomplishments, having commanded all over the world, having served at the Pentagon, also as a Rhodes Scholar in England, and is really an example for the cadets that are here in what spending your time in a meaningful way really means, and he and they follow in the footsteps of some of the greatest military leaders this

country has seen -- Generals like Pershing, Patton, MacArthur, Eisenhower, Schwartzkopf, and these cadets that are here with us trained themselves militarily to follow in their foot steps anywhere in the world, to protect people, their honor, their integrity, keep them safe, and we owe you a debt of gratitude.

You've committed your lives presently to the work of others, so we're proud to share this time with you, proud to have you here in our chamber, and we know that you prepare yourselves to be anywhere in this United States or in the free world, to help others who can't, at that time, help themselves.

Thank you for your commitment. Thank you for your service, and again welcome, General, and to the cadets for being with us today.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Hoblock.

SENATOR HOBLOCK: Mr. President, I rise as well to welcome General Graves and the

cadets from West Point and to thank, once again, Senator Larkin for bringing together this brief, yet very important day for us in recognizing West Point and all that it stands for.

We are extremely proud of what West Point has done for New York State, the image it has presented and obviously the products it has developed. Those who have graduated from West Point have gone on to very distinguished careers and are continuing to serve their community and their country.

We, in Albany County, like counties across this state, are very proud of graduates from West Point that have come back and contributed to the community, and in Albany County particularly we have a representative from the class of 1928, many, many years ago, General David Traub, who is with us today as well as elected officials. We have our County Executive, Michael Breslin, who is a graduate of West Point and a veteran of the Vietnam war. It gives me a great deal of pleasure to welcome the General, the cadets, the graduates and all that

West Point stands for, because we as a country are very proud of having that institution and hopefully that they will grow and mature with us as we move on into a world of what appears to be a great deal of uncertainty. But we know and we're proud that they are with us.

So thank you again, General. Thank you, cadets and graduates.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President. I rise to join with my colleagues in welcoming General Graves and the cadets from West Point this morning.

As my colleagues are aware, I have the distinct honor to represent the 10th Mountain Division and Fort Drum located in - outside Watertown, in Jefferson County, and we have the occasion every day of the week to have the fine young men and women of the United States Army serve and represent our area and serve as an integral part of our community.

We're very pleased to have the

United States Army at Fort Drum in New York State. We're very pleased to have the caliber of men and women who serve in our Army living and working within our community, and I say that because it's very important we recognize they too are citizens of New York State. They serve on our school boards. They serve on our volunteer fire companies. They serve within our community organizations. They're an integral part of the community in Watertown and Jefferson County and throughout the North Country and we're very pleased to be here today to recognize the cadets who are going to be the young officers, hopefully some of them will serve a tour of duty at Fort Drum and become part of the community in the North Country, so I'm very pleased to recognize Senator Larkin for his efforts and the efforts of the Senate in recognizing the cadets and want to wish all of them the very best of success and glad that they're here to join with us today.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Is there

any other member wishing to speak on the resolution previous to adopting it?

On behalf of Senator Bruno, Senator Hoblock, Senator Wright, General Graves, let me say on behalf of all of the members here who I know would love to stand up, but I know that you have an appointment on the second floor at 11:00 o'clock so we don't want to hold you back from seeing the Governor, but we welcome you here, you with your staff, certainly the cadets.

We envy the cadets for their heads held high, their pride, we're very appreciative and certainly we commend you for taking on the task that lies ahead of you, certainly those of us not only in the state but those of us in the country. So good luck in your tasks before you. Have a great future. We're all behind you, and thanks you for coming.

(Standing applause.)

SENATOR BRUNO: Mr. President, could we at this time take up the controversial

calendar.

ACTING PRESIDENT KUHL: Secretary will read the controversial calendar.

THE SECRETARY: On page 25, Calendar Number 444, by Senator Spano, Senate Print 2103, an act to amend the Workers' Compensation Law, in relation to attorney costs.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 52.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno, that completes the controversial calendar.

SENATOR BRUNO: Mr. President, is there any housekeeping that remains to be done in the chamber?

ACTING PRESIDENT KUHL: I have a couple of motions, Senator Bruno. I recognize Senator DiCarlo.

SENATOR DiCARLO: Thank you, Mr. President.

On page 18, I offer the following amendments to Calendar 245, Senate Print 1126, and ask that the bill retain its place on Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 235 are received and accepted. Bill will retain its place on the Third Reading Calendar.

Senator DiCarlo.

SENATOR DiCARLO: Also on behalf of Senator Levy, on page 15, I offer the following amendments to Calendar Number 128, Senate Print 2591B, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 128 received and adopted; bill will retain its place on the Third Reading Calendar.

Senator Wright.

SENATOR WRIGHT: Mr. President, I would request unanimous consent to be recorded in the negative on Calendar Number 470.

ACTING PRESIDENT KUHL: Without objection, Senator Wright will be recorded in the negative on Calendar Number 470.

SENATOR BRUNO: Mr. President, there being -

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: -- no further business to come before the Senate at this time, I would move that we stand adjourned until 3:00 p.m. on Monday, May 8, intervening days to be legislative days. Thank you.

ACTING PRESIDENT KUHL: Without objection, the Senate will stand adjourned until Monday, 3:00 p.m., May 8, intervening days to be legislative days.

(Whereupon at 10:54 a.m., the Senate adjourned.)