ALBANY, NEW YORK

September 22, 1997

11:30 a.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. Would everyone please rise and join with me in the Pledge of Allegiance.

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

The invocation today will be given by Reverend Peter Young from the Blessed Sacrament Church in Bolton Landing.

Reverend Young.

REVEREND PETER G. YOUNG: Thank you, Governor. Let us pray.

As we gather on this brisk and beautiful fall day to conduct state business, we call upon you for Your blessing and guidance as we reflect after our summer recess on the benefits and the creative goodness of Your people to the New York State. We express our gratitude for the beautiful people and physical gifts of natural environment that we enjoy as your citizens.

As we approach the winter season, may our Senate members advocate for the needed heating and food resources that will allow the poor, the elderly, the sick and the disabled the

comfort that they seek. Our special prayer today, O God, is a prayer of thanks to see Senator Levy rejoining this session in good health and our prayer too and condolences to the members of Senator Tully's family for this great loss. We pray that God remember him and be with him forever. Amen.

THE PRESIDENT: Amen.

The reading of the Journal, please.

THE SECRETARY: In Senate, Friday, September 19th. The Senate met pursuant to adjournment. The Journal of Wednesday, September 17th, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

Senator Bruno.

SENATOR BRUNO: Madam President, may I ask the members of the house that out of deference to our departed member, Senator Michael Tully, who as you all know passed away since we last recessed, that we open this special gathering of the Senate in his honor and his memory and all of us do that by just a

moment of silence while we think of that, as we remember Senator Mike Tully.

THE PRESIDENT: Thank you. A moment of silence for Senator Tully.

(A moment of silence was observed.)

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, reports the following nomination:

Justice of the Supreme Court for the Seventh Judicial District, Nancy E. Smith of Pittsford.

THE PRESIDENT: Senator Lack.

SENATOR LACK: Thank you, Madam President.

I rise to move the nomination of Nancy E. Smith, of Pittsford -

THE PRESIDENT: Quiet, please.

SENATOR LACK: -- as a Justice of the Supreme Court for the Seventh Judicial

District. Judge Smith was nominated by the Governor. We received the nomination in the Judiciary Committee. She was -- her credentials were examined by the staff of the committee, found to be eminently satisfactory.

She appeared before the committee this morning and was unanimously moved from the committee to the floor and with that, Madam President, I would respectfully yield to Senator Alesi.

THE PRESIDENT: Senator Alesi.

SENATOR ALESI: Thank you, Madam President.

It's a special pleasure for me today to welcome Judge Nancy Smith, and her family, her husband Larry, her children Conor and Margaret. Judge Smith, throughout her entire career as an attorney, has proven herself to be a hard working and dedicated person, whether an associate working with my colleague, Senator Dollinger, first starting out in her law career or working her way through assistant district attorney, serving as acting judge, now sitting judge as a County Court judge, serving also as acting Supreme Court judge.

Judge Smith, Nancy Smith, is known -

THE PRESIDENT: (Gaveling) Sorry, Senator.

SENATOR ALESI: Thank you, Madam President.

Judge Smith is known by her colleagues as a true professional, someone who is always totally well prepared in the court. She is known by both victims and family members of victims who come before her, as someone who is sincere and compassionate. Those who are tried in her court know Judge Smith as someone who is fair and impartial, but someone who takes very seriously her responsibility to interpret and apply the law.

My colleagues, I'm deeply honored today to support the nomination of this Governor for someone who has managed not only to excel in her professional career but to strike that balance between being excellent in her profession and excellent also as a mother, as a spouse and as a true member, a dedicated community servant. The Governor's choice today is of one who is eminently well qualified, and

I'm honored to support that choice.

Thank you, Madam President.

THE PRESIDENT: Senator Maziarz.

SENATOR MAZIARZ: Thank you, Madam President.

Madam President I rise to also -

ACTING PRESIDENT KUHL: Pardon the interruption. Could I recognize Senator Bruno first, please.

SENATOR BRUNO: Mr. President, forgive the interruption, but in deference to our time, I'm wondering if we could now ask an immediate meeting of the Rules Committee in Room 332, but we'll continue.

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

Thank you, Senator Maziarz, for allowing that interruption. Senator Maziarz, you have the floor.

SENATOR MAZIARZ: Thank you, Mr. President.

Mr. President, I rise to support

the nomination of Judge Smith. I have known Nancy Smith for a very long time. We have had the occasion in the past several months to interact a great deal on the left side of Monroe County, and I like to think that is the best side of Monroe County, and I have found her to be fair, intelligent, extremely dedicated. I say all those things before I knew that she used to work with Senator Dollinger, but we won't hold that against her.

Mr. President, I rise in support of this nomination. I think the Governor picked an excellent candidate for a very good tough job.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Nozzolio, on the nomination.

SENATOR NOZZOLIO: Thank you, Mr. President. Mr. President, my colleagues, the judiciary in Monroe County will be at a loss with Judge Smith's elevation to the Seventh Judicial District. As one who represents four counties in that sprawling district, that we certainly will benefit greatly, not only within the Seventh J.D., but also throughout western

New York and the entire state, because Judge Smith truly is dynamic, thorough, intelligent and fair, qualities that a judge must have, and that we are very pleased that she, Nancy Smith, will be the best justice of the Seventh Judicial District, New York State Supreme Court.

Judge Smith, you have served with distinction and honor in your capacity as Monroe County Court judge. We know that that will be carried through your great tenure as a justice of the New York State Supreme Court.

Mr. President, I move the nomination.

ACTING PRESIDENT KUHL: Senator Volker, on the nomination.

SENATOR VOLKER: Mr. President, very briefly, despite the fact Judge Smith, of your relationship with Senator Dollinger, we'll disregard that and let me just say that Judge Smith, although she does not live in my district, has been an acting Supreme Court judge in Livingston County since the former judge who is a good friend of mine, Ted Wiggin, got cancer and eventually died, and Judge Smith has, I think, got all sorts of accolades for the work

that she's done in Livingston County and, frankly, throughout western New York, and I think she's an excellent choice and probably doesn't quite realize that she's in really good shape today. Since she's the only judge being confirmed, why, she has a chance to get a lot of attention, and you deserve it, because you've done a good job. I know you'll do a good job in the future.

Good luck.

ACTING PRESIDENT KUHL: Senator Dollinger, on the nomination.

SENATOR DOLLINGER: Thank you, Mr. President.

This governor continues to put me in difficult situations where I rise to speak on behalf of judicial candidates who are friends of mine and also very accomplished lawyers who may some day, if something happens in November, run against other friends of mine, but in this case, this nominee is exceptionally well qualified for the position of Supreme Court Justice in the Seventh Judicial District.

I've known Judge Smith for the better part of 12 or 13 years. She and I worked

together as associates in a law firm, and I'd just say that her experience, my experience in watching her during that year and a half that we worked together was very instructive. She was at the time balancing the roles of mother and spouse and family and practicing law at the same time. She had come to us from the district attorney's office. She went back there and had a distinguished career, especially in an area where many of us have had concerns in the course of the last decade involving domestic violence. She was very much involved in that and was an advocate for victims of domestic violence. She has taken that perspective on that particular issue to the County Court and she will take it to the Supreme Court with the same skill and aplomb.

I think Judge Smith represents a continuing trend that I find very favorable and that is that this governor has found top quality candidates for the bench. I have been pleased to support them. In the Seventh Judicial District they have continued to be of the highest quality. Judge Smith is a continuing part of that legacy. I praise the Governor for

the choice. She will make an excellent state Supreme Court Justice.

Good luck to you, Judge Smith, and all of your family.

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

Hearing none, the question is on the nomination of Nancy E. Smith to become a Justice of the Supreme Court for the Seventh Judicial District. All those in favor of the nomination, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The nominee is unanimously confirmed.

We're pleased to have Justice Smith in the chamber with us. Nancy, congratulations and good luck.

(Applause)

Senator Bruno, we have the report of the Rules Committee at the desk if you would like to return to the order of Rules.

SENATOR BRUNO: If we could have

it read at this time.

ACTING PRESIDENT KUHL: All right. We'll return to the order of reports of standing committees. Secretary will read the report of the Rules Committee.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bill direct to third reading:

Senate Print 5793, by the Committee on Rules, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Move to accept the report.

ACTING PRESIDENT KUHL: Motion is to accept the report of the Rules Committee. All those in favor say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The report is accepted.

Senator Bruno.

SENATOR BRUNO: Third reading.

ACTING PRESIDENT KUHL: Secretary

will read.

THE SECRETARY: Senator Bruno moves to discharge from the Committee on Rules Assembly Bill Number 8686 and substitute it for the identical Third Reading Calendar 1689.

ACTING PRESIDENT KUHL: Substitution is ordered. Secretary will read the title.

THE SECRETARY: Calendar Number 1689, by the Assembly Committee on Rules, Assembly Print Number 8686, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to horse racing.

ACTING PRESIDENT KUHL: Bill is before the house. Secretary will read the last section.

THE SECRETARY: Section 5. This act shall take effect on the same day as a chapter of the laws of 1997.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we stand in recess while we call for an immediate meeting of the Majority Conference in Room 332.

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

Senator Mendez.

SENATOR MENDEZ: Mr. President, there will be an immediate meeting of the Minority.

ACTING PRESIDENT KUHL: Immediate meeting of the Minority, immediate meeting of the Minority in the Minority Conference Room, Room 314.

The Senate stands at ease.

(The Senate stood at ease from 11:45 a.m. until 1:31 p.m.)

ACTING PRESIDENT KUHL: Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Rules

Committee in the Majority Conference Room.

ACTING PRESIDENT KUHL: Immediate meeting of the Rules Committee, immediate meeting of the Rules Committee in the Majority Conference Room.

Senate will continue to stand at ease.

(The Senate stood at ease from 1:32 p.m. until 1:42 p.m.)

ACTING PRESIDENT KUHL: Senate will come to order. Ask the members to find their places.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, I believe there's a report of the Rules Committee. I ask that it be read at this time.

ACTING PRESIDENT KUHL: We will return to the order of reports of standing committees, ask the Secretary to read the report of the Rules Committee.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 390, by Senator Spano, an act to amend Chapter 677 of the Laws of 1977;

Senate Print 4102, by Senator Goodman, an act to amend the Tax Law;

5790, by Senator Maziarz, an act to amend the Facilities Alternatives for Schools;

5424, by Senator Breslin, an act in relation to allowing the town of Colonie; and

Assembly Print 8056, by the Assembly Committee on Rules, an act to amend Chapter 704 of the Laws of 1991.

All bills ordered direct to third reading.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Move to accept the report.

ACTING PRESIDENT KUHL: Motion is to accept the report of the Rules Committee. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The Rules report is accepted. The bills will go directly to third reading.

SENATOR SKELOS: Could we have the reading of the calendar now.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Senator Goodman moves to discharge from the Committee on Rules Assembly Bill Number 6385-A, and substitute it for the identical Third Reading Calendar 894.

ACTING PRESIDENT KUHL: Substitution is ordered. Secretary will read the title.

THE SECRETARY: Calendar Number 894, by member of the Assembly Gottfried, Assembly Print 6385-A, an act to amend the Tax Law, in relation to exempting.

ACTING PRESIDENT KUHL: Senator Skelos, an explanation has been asked for. Who is going to handle that matter of the explanation?

SENATOR GOODMAN: Mr. President.

ACTING PRESIDENT KUHL: Senator Goodman, Senator Dollinger has requested an explanation on the bill before the house.

SENATOR DOLLINGER: Senator Dollinger, this bill seeks to eliminate the 4 percent New York City tax on property and services used in producing dramatic and musical act performances in New York City.

The bill is approved by the city government and it will provide tax relief to stimulate an industry in which we're all greatly interested -- and in which we're all greatly interested and have great concern.

SENATOR DOLLINGER: Mr. President, just one question.

ACTING PRESIDENT KUHL: Senator Goodman, do you yield to a question?

SENATOR GOODMAN: Yes, I will.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DOLLINGER: Senator, does this only apply in the city of New York?

SENATOR GOODMAN: Yes, it does.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first day of a sales tax quarterly period.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill's passed.

THE SECRETARY: Senator Maziarz moves to discharge from the Committee on Rules Assembly Bill Number 8601 and substitute it for the identical Third Reading Calendar 1671.

ACTING PRESIDENT KUHL: Substitution is ordered. Secretary will read the title.

THE SECRETARY: Calendar Number 1671, by the Assembly Committee on Rules, Assembly Print 8601, an act to amend the Facilities Alternatives for Schools to Expedite Replacement Act.

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 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Breslin moves to discharge from the Committee on Rules Assembly Bill Number 6319 and substitute it for the identical Third Reading Calendar 1688.

ACTING PRESIDENT KUHL: Substitution is ordered. Secretary will read the title.

THE SECRETARY: Calendar Number 1688, by member of the Assembly Prentiss, Assembly Print 6319, an act in relation to allowing the town of Colonie.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. 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 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1690, by the Assembly Committee on Rules, Assembly Print 8056, an act to amend Chapter 704 of the Laws of 1991.

ACTING PRESIDENT KUHL: Substitution is ordered. Secretary will read the title.

The Assembly bill is before the house. 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 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Spano moves to discharge from the Committee on Rules Assembly Bill Number 3125, and substitute it for the identical Third Reading Calendar 1691.

ACTING PRESIDENT KUHL: Substitution is ordered. Secretary will read the title.

THE SECRETARY: Calendar Number

1691, by member of the Assembly Vitaliano, Assembly Print 3125, an act to amend Chapter 677 of the Laws of 1977.

SENATOR CONNOR: Explanation.

ACTING PRESIDENT KUHL: Senator Spano, an explanation of the bill before the house has been requested by Senator Connor.

SENATOR SPANO: Mr. President.

ACTING PRESIDENT KUHL: Senator Spano.

SENATOR SPANO: The bill before us is the New York State agency shop bill.

ACTING PRESIDENT KUHL: Senator Connor.

SENATOR CONNOR: Mr. President, I offer up an amendment, ask its reading be waived and will explain.

ACTING PRESIDENT KUHL: The amendment is at the desk, Senator Connor. Your request to have an opportunity to explain it is being honored by the Chair. The floor is yours for that purpose.

SENATOR CONNOR: Thank you, Mr. President.

The amendment I offer would make

the agency shop provisions permanent. It's not the first time I've offered this amendment. I've offered this amendment just about every other year since 1979. I believe, and I don't have my glasses, but I think now we're extending this experiment to its 24th year. Is that what we're doing?

It was originally adopted 24 years ago, 22 years ago as an experiment. That's why it was two years in duration. It seems to me that it's probably the longest running experiment in the western world. It's certainly taking longer than it took to put a person on the moon, and all the experimentation and scientific endeavors that went into that, and it can't be such a bad idea to make it permanent. Senator Spano has a bill that he's sponsoring that would make it permanent, so it must be a good idea. The Assembly's passed a permanent extension. Yet we time and time again in this house on this occasion every two years, although this occasion seems to be a little bit later than usual in the year, have extended this law for two years, and I've said it before on this floor, and I say it again, Mr. President.

It's a good law; it's worked; it's fair. It's fair to all the workers. It's fair to their collective bargaining agents. Let's make it permanent. Let's end what I believe has become in these past decades a very, very unseemly process of holding the labor organizations that represent our public employees on a string, on a two-year string, so that every two years it could be wound up and they can be wound in before they are given a new, very short two-year lease on things.

The politics of that, what it says about the way we operate in the New York State Senate, what it says about the government, what the government and the Legislature in the state of New York has become, I think, Mr. President, it's time to step away from that. It's time to stop these experiments that sunset every two years.

What is the fear? Is the fear that we'll have nothing to do, that we don't spend all of our time renewing laws that we just reenacted two years ago? Or is it just the political politicking to keep everybody supplicant, to keep everybody supplicant to the

Legislature, to make sure everybody knows who's boss.

Yes, the Assembly has passed a permanent bill in the past and, as I say, Senator Spano is sponsoring it, so it kind of makes the bill before us, Senator Spano's other bill, better and much more like his permanent agency shop bill.

I urge this body to adopt my amendment and pass a permanent agency shop bill. As permanent as anything can be. If there's a problem that develops, we can always repeal it, but we really shouldn't do this two-year charade year -- every other year, because literally we're now in our third decade.

ACTING PRESIDENT KUHL: Senator Spano, on the amendment.

SENATOR SPANO: On the amendment.

(Senator Spano's comments were partly unintelligible through his microphone.)

I think on the issue of the legislation and the amendment and the discussion of that, and the future of agency shop, the

possibility of passing a permanent bill, which I'm privileged to co-sponsor, and that's why the Senate passed its version of that and the Assembly has not passed the bill making the agency shop permanent. They did not pass the bill making it permanent this year, and for us to adopt this amendment would do nothing but to sabotage agency shop in New York State.

SENATOR CONNOR: Mr. President, will the Senator yield?

SENATOR SPANO: Yes.

SENATOR CONNOR: I believe the Assembly will come back next week if we pass it to pass it.

SENATOR SPANO: I think that the (unintelligible) or so public organizations, but I don't think that we should hold them hostage to the Assembly coming back here on the promise of possibly passing a permanent agency shop next week. The bill that we have before us today is a bill that extends agency shop. All we need to do today is say yes to the extension of agency shop, and at the same time we can continue to work toward our goal, final goal, which is to see a permanent bill in the future, but to do

anything other than that today is putting in jeopardy the law that was put in place to protect the employees across the state, and I don't think that we should be engaged in that type of sabotage.

I, therefore, urge the defeat of the amendment.

ACTING PRESIDENT KUHL: Question is on the amendment.

Senator Connor?

SENATOR CONNOR: Senator Spano yield to a question?

ACTING PRESIDENT CONNOR: Senator, will you yield?

SENATOR SPANO: Yes.

SENATOR CONNOR: Senator Spano, if we were to contact the Speaker right now to ask the Assembly to come back to pass the permanent bill, would you support this amendment?

SENATOR SPANO: At this point, the bill that we have before us is a bill that my colleagues and I have only had a short opportunity in our Majority Conference to discuss. The amendment that is presented by the

Minority Leader (unintelligible).

SENATOR CONNOR: Mr. President, I would offer to Senator Spano that if he doesn't want to do my amendment, we wait a few minutes and we could do his bill. I have no pride of authorship. We could do his permanent bill.

ACTING PRESIDENT KUHL: Senator Bruno?

SENATOR BRUNO: Mr. President, are we having a problem of laying this bill aside and coming back next week? We're open to that. I just talked to the Governor, so that may be the best course of action, Senator, if that's what you'd like to have happen.

I didn't know anything about - you want to do that? That's fine with us. I didn't know anything about your amendment until five minutes before I walked in here and contrary to the rules of this house, we like to be informed about the action that's going to take place on the floor.

For that reason, I would vote against your amendment, and have a party vote against your amendment at the appropriate time. I also want to suggest that we have been talking

with the Governor and will talk with the Speaker about doing some of the other labor issues that we think are critical for labor such as the hours of work legislation, some of the pension legislation, unemployment insurance benefits, things like that have come from our Conference and I hope your Conference. We've talked to the Governor about that. We were hopeful that we might get the Assembly back here and do those things and do a wrap-around package bill that would really enhance the ability of labor to go out and do things on behalf of the people of this state that they do so well.

But the Assembly is not here. As Senator Spano ably stated, the only bill before this house now is this bill, and that calls for a two-year extender and we're prepared to do that if that's the wishes of the majority of the house.

ACTING PRESIDENT KUHL: Question is on the amendment.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT KUHL: Secretary will call the roll on the amendment.

THE SECRETARY: Ayes 25, nays 34, party vote.

ACTING PRESIDENT KUHL: The amendment is defeated. We're on the bill. 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: Record the negatives and announce the vote.

THE SECRETARY: Those recorded in the negative on Calendar Number 1691 are Senators Levy, Maltese, Marcellino, Padavan and Skelos. Ayes 54, nays 5.

ACTING PRESIDENT KUHL: The bill is passed.

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

SENATOR DOLLINGER: Mr. President, earlier in today's session, on Calendar Number 5793 I was recorded in the

affirmative. I ask unanimous consent to be recorded in the negative on that bill.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Dollinger will be recorded in the negative on Calendar Number -- Senate Print Number 5793.

Senator Hannon.

SENATOR HANNON: No.

ACTING PRESIDENT KUHL: Like unanimous consent to be recorded in the negative on the last bill that was before the house, is that correct?

SENATOR HANNON: That's correct.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Hannon will be recorded in the negative.

Senator Bruno.

SENATOR BRUNO: Mr. President, there being no further business to come before the Senate at this time, I would suggest that we recess and adjourn at the call of the Majority Leader, and that we recess and adjourn in memory of our departed colleague, Senator Michael Tully.

ACTING PRESIDENT KUHL: Without

objection, hearing no objection, Senate will stand in adjournment in memory of our former colleague, Michael Tully. I'll ask the people at the adjournment to please stand in recognition.

(A moment of silence was observed. )

ACTING PRESIDENT KUHL: The Senate is adjourned.

(Whereupon at 2:04 p.m., the Senate adjourned.)