ALBANY, NEW YORK

January 12, 1998

3:04 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

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

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

May we bow our heads in a moment of silence, please.

(A moment of silence was observed. )

The reading of the Journal, please.

THE SECRETARY: In Senate, Friday, January 9th. The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. The Journal of Thursday, January 8th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing

committees.

Secretary will read.

THE SECRETARY: Senator Libous, from the Committee on Mental Health and Developmental Disabilities, reports the following bills:

1122, by Senator Libous, an act to amend the Mental Hygiene Law;

3831, by Senator Libous, an act to amend the Mental Hygiene Law;

3886, by Senator Libous, an act to amend the Mental Hygiene Law;

3887, by Senator Libous, an act to amend the Mental Hygiene Law, and

5053, by Senator Libous, an act to repeal paragraph 3.

Senator Leibell, from the Committee on Housing, Construction and Community Development reports:

2228, by Senator Leibell, an act to amend the Public Housing Law;

2349-A, by Senator Nozzolio, an act to amend the Real Property Law;

3626, by Senator Leibell, an act to amend the Executive Law.

Senator Volker, from the Committee on Codes reports:

Senate Print 72, by Senator Levy, an act to amend the Penal Law;

386, by Senator Volker, an act to amend the Civil Rights Law;

397, by Senator Volker, an act to amend the Penal Law;

889, by Senator Volker, an act to amend the Criminal Procedure Law;.

1143, by Senator Saland, an act to amend the Penal Law;

1593, by Senator Johnson, an act to amend the Penal Law;

1717, by Senator Volker, an act to amend the Penal Law;

3407, by Senator Volker, an act to amend the Criminal Procedure Law;

3814, by Senator Wright, an act to amend the Penal Law;

3869, by Senator Larkin, an act to amend the Civil Practice Law and Rules;

3924, by Senator Nozzolio, an act to amend the Penal Law;

4589, by Senator Padavan, an

act to amend the Penal Law;

5280, by Senator Volker, an act to amend the Penal Law;

5789, by Senator Volker, an act to amend the Criminal Procedure Law, and

5930, by Senator Alesi, an act to amend the Penal Law.

Senator Rath, from the Committee on Local Government, reports:

459, by Senator Larkin, an act to amend the General Municipal Law;

526, by Senator Present, an act to amend the General Municipal Law;

2021, by Senator Leibell, an act to amend the General Municipal Law;

3636, by Senator Rath, an act to amend the General Municipal Law; and

3670, by Senator Rath, an act to amend the General Municipal Law.

Senator Seward, from the Committee on Energy and Telecommunications, reports:

Senate Print 3898, by Senator Present, an act to amend the Economic Development Law;

4271, by Senator Seward, an act to amend the Public Service Law.

Senator Velella, from the Committee on Insurance, reports:

Senate Print 1418-A, by Senator Cook, an act to amend the Insurance Law;

4012, by Senator Alesi, an act to amend the Insurance Law; and

4062, by Senator Velella, an act to amend the Insurance Law.

Senator Farley, from the Committee on Banks, reports:

Senate Print 2144, by Senator Farley, an act to amend the Banking Law;

2145, by Senator Farley, an act to amend the Banking Law; and

3803-A, an act to amend the Banking Law.

All bills ordered direct for third reading.

THE PRESIDENT: Without objection, all bills direct to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe that there is a privileged resolution at the desk. I would ask the title be read and move for its immediate adoption.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By Senator Alesi, Legislative Resolution, congratulating the Fairport Senior High School football team and girls 400 relay swim team on winning the New York State Class Double-A Championships.

THE PRESIDENT: Oh. Senator Alesi.

SENATOR ALESI: Thank you, Madam President.

My colleagues, today is a rare pleasure for me to look up into the gallery and see such a wonderful group of young athletes from my home town of Perinton. Fairport High School football champions and swimming champions are joining us today; they've come from the Assembly, where they

were recognized earlier and speaking of recognizing, I think I recognize some familiar faces in that gallery, not the least of which is an old high school friend of mine, football coach, head coach Dave Lanning, whom I saw earlier this morning at about 7:00 clock on the Thruway. Dave has led his football champions in a not surprising fashion. As I remember him, he was a stellar athlete, an accomplished student as well, and I'm sure that he has imparted his character on these fine young athletes, and that is no small part of their success.

And to the swimming team, the girls swimming team as well, I'm so pleased to welcome all of you and your coach, Mike Kennedy as well as Jim Zumbo, the athletic director. I'm especially pleased and proud of Fairport, since your school superintendent, Bill Corla, was a college classmate of mine, and if you look up in the gallery there in the last row, you'll see Margaret DeFrancisco, who is a Fairport school board member and who is now the Deputy Commissioner of Motor Vehicles.

So let me welcome all of you on behalf of my colleagues today, not only in the Assembly where you were earlier, but today in the Senate, and let you know how absolutely proud and pleased I am to share the same town that you all have come here from this morning, and to recognize that the kind of achievement that you all have shown during the athletic season and during the regular school year, because we all know that you must maintain certain academic standards as well to be capable of playing on the sports teams.

To look up in this gallery and you could just as easily look up into a galaxy of bright young stars. My colleagues, these are the bright young stars of the future, any one of which we could make a wish upon to lead us into that future and I'm sure that we will be better off as time goes by because of the kind of young people that we have with us today.

Welcome. Thank you for joining us.

THE PRESIDENT: The question is on the resolution. All in favor please

signify by saying aye.

(Response of "Aye.")

Those opposed nay.

(There was no response. )

The resolution is adopted, and I'd like to welcome, on behalf of everyone here in the Senate chamber, welcome all these young athletes from Fairport High School and North Babylon High School to the chamber today.

(Applause.)

Senator Marcellino.

SENATOR MARCELLINO: Madam President, on another issue of some other business, I move the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: That would be Senate Number 4058.

THE PRESIDENT: So ordered.

SENATOR MARCELLINO: Thank you.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, I believe there's another

privileged resolution at the desk by Senator Johnson. I would ask the title be read and move for its immediate adoption.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By Senator Johnson, Legislative Resolution, congratulating the North Babylon varsity football team, the Bulldogs, and Coach Terry Manning, on their outstanding season and overall team record.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Yes. This team won the championship. They're an outstanding group of young people. Again we give them credit for academic achievement, and they certainly deserve recognition at this time.

Thank you.

THE PRESIDENT: The question is is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

(Applause)

Senator Bruno.

SENATOR BRUNO: Madam President, I believe there is a privileged resolution at the desk by Senator Stachowski. I would ask that the title be read and move for its immediate -- we're going to read the resolution in its entirety and then move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Stachowski, Legislative Resolution, proclaiming Hunter James Kelly's birthday, Valentine's Day, February 14, 1998, as Hunter's Day of Hope for children in New York State.

WHEREAS, it is the sense of this legislative body to recognize that the quality of life for children in the communities across this great state of New York is enriched by the concerned and dedicated efforts of those organizations and

individuals of distinction whose singular purpose is the care and welfare of children; and

WHEREAS, this legislative body is moved to proclaim Hunter James Kelly's birthday, Valentine's Day, February 14, 1998 as Hunter's Day of Hope for the children of New York State; and

WHEREAS, the Hunter's Hope Foundation was established in September 1997 by football great and NBC broadcaster, Jim Kelly and his wife Jill, in honor of their son Hunter James Kelly, who was diagnosed with Krabbe's disease (globoid cell leukodystrophy).

Krabbe's disease is one of nine leukodystrophies. It is a rare degenerative enzyme disorder of the central and peripheral nervous system. Children who inherit the disease lack an important enzyme, GALC, that is a component of the white matter of the brain, myelin. This enzyme deficiency produces toxins in the brain causing myelin loss and neurological symptoms.

Signs and symptoms of infantile

Krabbe usually appear at three to six months of age. Development may be normal up to that time. Extreme irritability, developmental delay or regression and decreased muscle tone are among the first symptoms to appear. These early symptoms are followed by seizures, unexplainable fevers, difficulty in feeding and paralysis. Eventually children lose all mental and motor function, become deaf and blind and usually do not survive beyond two years of age, and

WHEREAS, Jim and Jill Kelly hope that through sharing Hunter's story, parents all over the world will give their children more time and love and will thank God every day for these precious little gifts of life.

Hunter's Hope is their life long commitment to increase public awareness of Krabbe and other leukodystrophies so that other children may have early detection and treatment; and

WHEREAS, New York State is continuously looking for opportunities to increase parental awareness about the need for

proper nurturing during child development;

NOW, THEREFORE, BE IT RESOLVED, that this legislative body pause in its deliberations and proclaim Hunter James Kelly's birthday, Valentine's Day, February 14, 1998, as Hunter's Day of Hope for children in New York State. In recognition of this day a candlelight vigil will be held celebrating the life and love of all children; and

BE IT FURTHER RESOLVED that copies of this resolution, suitably engrossed, be transmitted to the Kelly family and Hunter's Hope, Gateway Park, Buffalo, New York.

THE PRESIDENT: Senator Stachowski.

SENATOR STACHOWSKI: Madam President, as the resolution stated, the Kelly family found out that their son had this leukodystrophy early in his lifetime. He had been here just before that. We honored him on his retirement. At that time he had just found out, at least he had thought that his son had cerebral policy, and we were all kind of stunned by the fact that he made that

announcement to us here in the Senate and it really was the first time he had publicly spoken of any problem with his son.

Shortly thereafter, he found out that the problem was much more serious. The interesting thing with Krabbe's disease is that both parents have to be the carrier, they have to have that gene, and it's something that you're not tested for when you get married, or when you're going to have children, you don't get tested for that and that's an interesting fact that we don't, and as a result of both parents having that gene, it's a one-in-four chance any time you have a child born that that baby will have Krabbe's disease, which as it tells you in the reso lution, is currently (unintelligible) the child dies by the time it's two years old. Hunter will be one year old this February 14th and, as far as we know now, he's going to make it to his birthday. He's already pretty progressed with what's going on in this disease, not to the good I might add; so it's interesting to see that the Kellys instead of feeling bad for theirselves -- and I'm sure by

this time -- I'm sure by this time, almost everyone has seen one of the TV spots where they've been on various different shows and either together or Jim or Jill or both, and they talk about how that everybody should take this time when they think about them, to think about their own children and maybe love them a little more or think about them a little more or care about them a little more and be happy that their children aren't found in the same kind of predicament, so that they are far from being -- taking a position of feeling sorry for themselves or wondering why this has happened to us. They're taking a proactive position of trying to bring a greater focus on loving the children but also at the same time Jim is using his status as a public celebrity to raise money to try to bring awareness to Krabbe's disease and maybe some research and care to leukotrophies in general.

This candlelight vigil that we're speaking about in this resolution is something that they thought of. They've been selling candles. All the members will have

gotten a letter from me advising them of this at their office, because the Albany shop is opened up this week and so what we're hoping that they do well and eventually they can find a cure for that disease and maybe children won't have this, some day we'll eliminate this problem, but if we don't eliminate it we can at least make parents aware and maybe have the testing so that people don't suddenly find themselves with a child that they had no idea anything could go wrong with and the baby - if you saw a picture of Hunter, it's one of the cutest babies you'll ever see. He looks perfectly normal, he looks like he's sleeping but, in fact, he's blind; he can't swallow; they feed him through a feeding tube and he's just not doing well at all; and so thank you very much for this opportunity, and hope that they'll be very successful in bringing love and making people aware and finding a cure for this disease.

THE PRESIDENT: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe all of the membership here in this Senate had a resolution prepared in the memory of Senator Mike Tully. I would ask that it now be read in its entirety and that we move for its immediate adoption.

THE PRESIDENT: Secretary will read in its entirety.

THE SECRETARY: By Senator Bruno, et al, Legislative Resolution, honoring the memory and celebrating the life and accomplishments of Senator Michael J. Tully, Jr.

WHEREAS, the members of this legislative body are greatly moved to pay reverent tribute in memoriam to Michael J. Tully, Jr., Senator of the 7th District, representing part of Nassau County and cherished friend and colleague; and

WHEREAS, it is with feelings of great sorrow and deepest regret that this

legislative body records the passing of Senator Michael J.Tully, Jr., on August 5th, 1997; and

WHEREAS, Senator Michael J. Tully, Jr., was a man of action and deep commitment. He cared about the world and the people in it. He was devoted to his constituency and to the belief that government can be a positive force for improving people's lives; and

WHEREAS, renowned as a man of wit and humor, Senator Tully had tremendous energy and resolve. The more complicated a problem was, the greater was his resolve to solve it. A resident of Port Washington, New York, Senator Michael Tully was born in New York City on June 23rd, 1933. He grew up in the Hell's Kitchen area of Manhattan, and through hard work and determination earned a law degree from St. John's University. A former Nassau County Assistant District Attorney Senator Tully's roots in public service date back to his appointment to the North Hempstead Town Board and subsequent elections as town councilman and town

supervisor, an office he held for more than a decade; and

WHEREAS, Senator Michael Tully began his service as Senator of the 7th District of New York State in 1982. He brought with him a determination to address issues of importance to the people of his state and district. That he succeeded to an extraordinary degree with his characteristic integrity and exemplary style is indisputable.

Senator Tully worked tirelessly for strong public health and environmental protections throughout his distinguished Senate career. He served as chair of the Senate Health, Environmental Conservation and Water Resources Committees and as chair of the Council on Health Care Financing. A veteran who served in the U. S. Army and Army Reserve, he was also proud of having had the distinction of serving as the first chair of the Senate Veterans Committee. He was also Assistant Majority Whip and a member of numerous state committees, task forces and councils; and

WHEREAS, Senator Tully combined

his wit and humor and his determined advocacy and resolve with his unique ability to see issues and the world from the perspective of the average citizen and his heart for bring ing opposing sides together to implement important legislation. He came early to many issues, most especially combatting breast cancer and the control of tobacco use and exposure, offering often bold and creative proposals which will benefit the people of the state of New York for many generations to come, and during his tenure as chair of the Senate Health Committee, from 1989 through 1994, Senator Tully offered many laws which protected the public health, enhanced the quality of health care and improved patient access to services.

Among the laws he sponsored are the Clean Indoor Air Act, the Health Care Agency Proxy Law, the Prenatal Care Act, the Hysterectomy Information and Education Act, the nation's first Anabolic Steroid Control Act; numerous laws to improve hospital and health care financing; numerous laws to improve primary care, long-term care, home

health care and hospice care; the Physician Discipline Reform Act, the 1991 Omnibus Medical Reform Act; the Organ Procurement and Tissue Bank Standards Act, the Health Insurance Reform Act, which ended age and illness age discrimination in insurance; the Health Work Force Development Act, the Emergency Medical Services Standards Act and direct access to ob/gyn services for women in managed care; and

WHEREAS, he also sponsored laws which expanded insurance coverage for mammography screening, assured that women would be informed about alternatives to mastectomy, created a network of breast cancer screening and educational programs and promoted breast cancer early detection and research initiatives.

Senator Tully sponsored, in addition, significant laws protecting the health and well-being of our children, including the Child Health Insurance Reform Plan, guaranteeing coverage of primary and preventive care for all children; the Child Health Insurance Plan, which subsidizes health

insurance for children of low income families; the Childhood Immunization Act, encouraging the proper immunization of children against disease, and the Pro-Kids Law, which protects children from tobacco exposure; and

WHEREAS, Senator Tully also championed laws making stalking a crime and protecting victims of sexual assault in rape prosecutions.

Committed to safeguarding our natural resources and promoting a high standard of water quality, Senator Tully sponsored the Bottled Water Quality Act and the Historic Maritime Areas Act; and

WHEREAS, former chairman of the Environmental Conservation Committee, he was concerned about the possible relationship between the environment and chronic illness, and actively sponsored the investigation of potential linkages between breast cancer and environmental factors such as air pollution and pesticides. Senator Tully was also the sponsor of the Senate's first version of pesticide registry legislation, and was a co-sponsor of the 1996 Breast Cancer Research

and Pesticide Registry Law; and

WHEREAS, in recognition of his extraordinary service on behalf of his constituents and all New Yorkers, Senator Michael J. Tully, Jr., was the recipient of numerous awards and commendations, including an Honorary Doctor of Humane Letters from the New York Institute of Technology College of Osteopathic Medicine; the Theodore Roosevelt Award from the Nassau-Suffolk Hospital Council and the Health Care Association of New York State, and the Certificate of Extraordinary Service in the cause of cancer control from the American Cancer Society; and

WHEREAS, loyal friend, trusted adviser and tenacious fighter for the causes in which he believed, the accomplishments of Senator Michael Tully are legion. He will be deeply missed and truly merits the grateful tribute of this legislative body.

NOW, THEREFORE, BE IT RESOLVED that this legislative body pause in its deliberations to honor the memory and celebrate the life and achievements of Senator Michael J. Tully, Jr., recognizing the

significance of his exemplary record of public service and dedicating ourselves anew to the causes and people he served, and

BE IT FURTHER RESOLVED that a copy of this resolution, suitably engrossed, be transmitted to the family of Senator Michael J. Tully, Jr. with the deepest condolences of this legislative body.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President.

You can't help but listen to the reflections in this resolution that we've just listened to without realizing what a very, very special person Senator Mike Tully, was. Special for his family who are here, with his close friends, many of them are here, his colleagues, constituents.

It's difficult as you listen to think in terms of Mike Tully past, but I couldn't help but think as I was reflecting that Senator Mike Tully will never be past in this chamber, in his district, and in the state because what Mike Tully left us truly was a legacy of good works to improve the

quality of life of people. That was his mission in life, and when you hear about a politician who started in Hell's Kitchen, born in Hell's Kitchen, brought himself to where he was, a distinguished career, an extraordinary individual, a person that people just liked to be around.

Mike was just a great guy. People liked to have him around. They liked to be with him and if any of us that are in government want to look to a role model, you could look to Mike, because Mike knew how to get it done. I don't remember his ever being obnoxious when he had to differ with you, and I'm sure he differed with many people here. He differed with me, but he always had to understand if he could why he differed with you, and then if he was in a position where something wasn't going to happen and he knew it, and I could remember when he would say, "Maybe we could work it out this way. Do you mind if I try?" And invariably he would make it happen.

With the breast cancer pesticide registry, we struggled for years and

couldn't make that happen, but Mike stayed with it always and made it happen. The Clean Indoor Act, which dealt with smoking in public places, but think about what it took to get that done, given the interests that are out there. Mike made that happen.

Now, does that go away with Mike's passing? None of what you heard, and you didn't hear it all because you couldn't recite it all in the time frame that we have here before us, as to what Senator Mike Tully meant to the people of this state and in his district.

So there aren't words that can really do justice to the memory of Mike Tully, and it's difficult for many of us, but it was also stated right that what we celebrate now is his memory, his legacy. We're celebrating that because truly people's lives are better because Mike Tully was here and, boy, that's a testimony that any one of us would like to hear at any time and there are people who will live to be a hundred that will never ever reach the heights and the accomplishments that Mike Tully reached in his short lifetime.

So he was taken from us suddenly, too early. It leaves us with a memory, and it is a great memory of an individual, of a person, of a man of accomplishment, and we're indebted to Mike. There isn't a day passes here that goes by or a week when you don't hear some reference to Mike Tully. Yeah, that was Mike's bill. Mike did that. Yeah, that was Tully's. I mean you think about it, as we go forward through this session and for the sessions beyond, for as long as many of us will be here, you will hear, That was Mike's issue; Mike did that. Mike was involved in that.

So, Madam President, my colleagues and everyone here, and especially those who were closest to Mike, it's pretty difficult to accept someone as vital, vital as Mike passing early, but if there's comfort in thinking in terms of celebrating, to think in terms of a short life, a man accomplished what many people couldn't do in several lifetimes, and I know that Mike is up there and he is looking down, and I know he is part of everything that's going on here today, and as

we go forward doing the kinds of things that he spent his life doing on behalf of the people of this state and of his district.

Thanks you, Madam President.

THE PRESIDENT: Thank you, Senator Bruno.

Senator Connor.

SENATOR CONNOR: Thank you, Madam President. I rise in support of this resolution, and let me say as the resolution and as Senator Bruno has certainly outlined and while at the same time only touching on a small part of Senator Mike Tully's contribution to the people of the state of New York, as a Senator, in his prior experience as a supervisor, as a public servant, I think we look at the accomplishments in terms of bills, in terms of successes, in terms of what became law, what will benefit the people of the state for years and years and years to come, and certainly in the case of Senator Tully, this is a magnificent and well deserved and appropriate legacy; but I think in his passing at much too early an age, we all will miss something else too. We certainly will miss

his contributions as a legislator, but I think those accomplishments were because of the kind of person Mike Tully was, the kind of colleague, the kind of concerned, caring individual who had a sense of humor, who was smart and fun to work with, and easy to work with, and indeed in our system that's what makes for the great success which he had as a legislator, and I know his colleagues will certainly miss him. His children, his family, his loved ones, those who loved him, those he loved, will indeed, I hope, take some comfort in knowing how -- not only successful he was, that's apparent -- that's apparent in writing, but will take comfort in knowing that all of us, his colleagues, we who worked for him had such great respect for him, such great admiration and love, and it was fun having him as a colleague, and we do thank God for the time we were allowed to share a bit of Mike Tully's life, and for him to share a bit of our life, both professionally and personally.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Connor.

Senator Goodman.

SENATOR GOODMAN: Madam President, there's no one in this chamber to whom I felt closer personally than Senator Mike Tully, and his passing was really like a blow in the solar plexus. I couldn't grasp the fact that this extraordinary man had suddenly been taken from us.

As many of you know, Mike was a superbly conditioned athlete, a scratch golfer, a vigorous human being, and one who took good care of himself and had begged all of his colleagues never to smoke a cigarette. If there was smoking in a room in which Mike came, he would either leave the room and suggest that the smoking stop, or he would ask the people to stop and remain in the room without the cigarettes.

But the things that I think of about Mike Tully are many, and I'd just like to share a few personal observations that don't relate to his prodigious professional career. Mike was gregarious and collegial, he was kind and compassionate, he was hard working and conscientious. He was

professionally astute and professionally very wise indeed. He was a man who, I would say, was many-dimensional, in certain respects was quite intellectual achievements. I don't know how many of you ever talked about books or theatre or the movies with Mike, but he read very widely and knew a great deal about contemporary theatre and the stars of movies going back to the 1940s.

He was a tremendously witty fellow, and one of his great capacities was not just to tell good stories but to listen and if satisfied with the punch line to give you a high five to salute your telling of a particular joke which, of course, brought on many more unnecessary outbursts of irrelevant humor.

Mike was someone whom you wanted to go out to dinner with, because to have a dinner with Mike Tully was to have an enriching personal experience. He'd order carrots and around the outer edge of his plate and he would ask to have a very carefully prepared salmon with no butter. He would take a little pasta as a first course without any

sauce and a little wine just to leaven the event, and you knew that Mike would live forever, because of the great care which he took, both dietarily and in terms of his regimen of strict personal discipline, and I think he does live forever in our memories, but that's another story and doesn't relate to carrots.

Mike was someone without whom I think this body is the poorer. There's no question that his professional accomplishments were extraordinary in many ways. You've heard of some of the bills that he passed, and I can recall so distinctly his passionate advocacy of breast cancer detection legislation, of insurance policies which made certain that kids up to the age of puberty would be fully covered by health insurance, especially poverty kids.

His efforts related to so many different aspects of health, whether it was HIV and the attempt to provide treatment and diagnosis, or all of the things which a conscientious chairman of the Health Committee should have appropriately addressed himself

to, Mike did that and more; but when all is said and done, my good colleagues as you know, this place breeds a very special bond of personal and collegial friendship. Sometimes in the heat of political battle, we forget what we mean to one another, but when a John Marchi is in a serious automobile accident or Mike Tully leaves us so prematurely, we remember just a little bit about the personal bonds which, under the pressure cooker environment of this place, bring us together and congeal us in an intimate relationship which is really like none other that you can find anywhere in life except perhaps in the trenches of the battlefield.

We are a unique group, asked to assume immense responsibilities under tremendous pressures upon the shoulders of each of us and having someone like Mike Tully share that experience made it not just memorable, but all the more worthwhile.

I will miss Mike more deeply than I can possibly say, and I just want his family to know that while he was here, he was a brother to many of us, and we shall always

remember him.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Goodman.

Senator Skelos.

SENATOR SKELOS: Thank you, Madam President.

Before we started session, I was talking to Senator Velella. We were discussing what we were going to say about Mike and as so often in politics and life, we're asked to get up and speak, sometimes at a eulogy, sometimes at a testimonial, and it seems very easy to go on, sometimes too long in the minds of those who are listening to us, and we said, What are we going to say about Mike, because all the emotions start running through your body and through your mind, the experiences that you had with the individual and you don't know what to bring up. You're confused. You're confused that this person who sat over there is no longer with us in the Senate chamber. You're confused because you remember the person that, when you first came to the Senate, was like a mentor.

Mike represented to those of us from Nassau County and obviously beyond Nassau, what we considered the best in politics and the best in government, and we believe that there's nothing wrong in saying that you're a politician and that you're a government official because good politics and being a good public official, in my opinion, makes good government, and that's what Mike Tully was.

But beyond that, he was a good friend. You had a political problem you'd go and talk to Mike as a friend. You had a governmental problem, you went and talked to Mike as a friend. You had a golf problem, if you were on his team, you'd talk to him as a friend. If you weren't on his team, believe me, somehow he came out ahead.

But these are the emotions and these are the experiences that all of us have in this room and that rush through our minds right now. Roy couldn't have said it any better. Sometimes we all take each other for granted, and it's days like this that, and I know Joe and I have discussed this, that we

sometimes look around the chamber and we have our own individual memories and experiences of each other and, generally, even if they're political sometimes they're all happy, they're all good experiences, because that's what our profession is about.

So to the Tully family that is here, we thank you for having shared Mike with us. Public service takes you away perhaps too much from your family but Mike was a dedicated public official who would not miss a minute here, and when session was over was in that car going back to serve his constituents. He represented the best, and I know that I shall miss him very dearly.

THE PRESIDENT: Thank you, Senator Skelos.

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

I think when you lose a friend or a loved one, I choose to kind of think of the happy times, how that individual kind of touched your life and did some special things, and I just want to share a couple of smiles

that I remember Mike Tully by.

Mike used to sit a couple seats over from me, and I'd be sitting here signing letters, and maybe I'd have something that he didn't have, and he'd kind of look up at me and say, what have you got over there, Tommy? What have you got? And I said, It's -- well, I'm sending some birthday cards out to some of my constituents, and he'd be looking over at Jim Sherry who'd be sitting over here, and he says, Jimmy, find out don't we have one of those. Go get one of those from Tommy.

I can remember the many times we shared dinner, and many of you had that opportunity to share dinner with Mike, and I can remember one of the first times I went to dinner with Mike. We sat down at a restaurant, and Mike was very particular about the restaurants he went to. He wouldn't go to just any restaurant, and I remember sitting down, and I took my jacket off and I put it on the back of the chair, and I sat down and Mike looked at me and he said, "What's wrong with you?" I said, "I'm sorry?" He said, "What's wrong with you?" He says, "You took your

jacket off." I said, "Yeah." He says, "You don't take your jacket off in a restaurant." He says, "You're a Senator," he says, "you wear your jacket in a restaurant." He says, "You're a guest here, you wear your jacket," and he says, "Don't you have restaurants where you live in your place?"

The other thing that I remember fondly about Michael is, Michael had his own language. You'd be sitting in a restaurant or sitting in a committee meeting or he'd be here on the floor, and he'd kind of look up at you and he'd say, he says, Tom, I got to talk to you, we got to talk to the big guy about the little guy and we got to go over here and we got to do this, and he would do it with his hands, and he knew who he was talking about but we didn't always know who he was talking about.

Those were just some of the small ways that Mike touched me as a friend, and Senator Bruno, Senator Skelos, and Senator Connor talked about his accomplishments, and I know that my colleagues will continue to talk about his accomplishments and how he touched

them but, Mike, I only want to say one thing, is that it was a pleasure for me to know you. I'm glad I had the opportunity in my life and when I think of Mike Tully, I think of style and I think of class.

THE PRESIDENT: Thank you, Senator Libous.

Senator Alesi.

SENATOR ALESI: Thank you, Madam President.

Unlike most of the Senators that will speak about Mike Tully today, I did not know him for a very long time and after listening to the resolution that highlighted so many of his lifetime accomplishments, I felt that I really had missed an awful lot. I wasn't here for that, and that I can remember years ago when I was a county legislator talk about this clean -- indoor clean air act, and I never knew Mike Tully then and it wasn't until I knew of his legacy that that was an issue that was so important to me back then, and it turns out that it was this fellow that sat just in front of me.

The Mike Tully I know in the

very short time that I did know him was someone that I played golf with only six or seven times, and for those of you who played golf with him, you knew that he was an exceptional golfer, well balanced and so even tempered and always had an twinkle in his eye and what appeared to be a subtle wit and sense of humor for someone who was either hooking it or slicing it, and I remember Mike as being a gentleman and someone who was willing to offer his help to me as a Senator and someone who very readily offered his friendship to me when I came here as a newcomer, and so as much as I feel deprived for not knowing Mike Tully as long as many others, I feel very honored that I did know him for the length of time that I did and, like all of you, I'll miss him in my own way to a certain degree, and be comforted in knowing that wherever Mike is, he's playing the ball in the fairway, and I'm sure that he'll be hitting the green in regulation.

THE PRESIDENT: Thank you, Senator Alesi.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

I knew Mike Tully like many of us from Nassau County in the political spectrum. Nobody was a better politician locally, statewide than Michael, and when I had the good fortune to come up and serve in this body, one of the first people who came over to me and said, Look, he smiled and he said, Look, Carl, he said, there's a lot of things that go on here he says, but always keep one thing in mind. Everybody in here is trying to do a job. It doesn't matter what side of the aisle they're on. They're just trying to do a job. They may disagree with you. Sometimes the discussion is a little heated, but just keep it in the back of your mind that everybody is here to do a job and that's to serve their constituents, so, he said, when you keep that in mind you can't get too angry at the person who is debating one of your bills. He says, Just keep it civil. That's the way it works, and that's the way, he says, I've found it to make it work best, and I don't know, I've tried to

emulate that as much as I possibly can, and I find that it works; but I must say that Mike had a lot of good points. He did have some negatives. I hate to be the one to point it out.

Mike was the only one who could laugh at Roy Goodman's jokes. It was -- if Roy told one joke at a dinner table, Mike would laugh; Roy would tell another; Mike would laugh; Roy would tell another; Mike would laugh. The rest of us would try and get through dinner. Roy would tell another and Mike would continue laughing so, you know, I had to point that out just to balance things out a little bit. I apologize, Roy; but Mike was a good friend; is, was and always will be a good friend and will be missed in this Legislature and will be missed in his district.

Thank you.

THE PRESIDENT: Thank you, Senator Marcellino.

Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, like Senator Tully, those of us in

this chamber at home away from home, this is a life that can be very difficult at times, but Mike Tully was an individual, a Senator, a wonderful man, who made those times easier to take.

We just didn't go out to dinner with Mike. Mike would organize the dinner, he would bring us all together. As Tom Libous said, it's always one of these and a few of those and a few of those and maybe another one of them and we'll do it all together tonight. That's Mike.

I was very honored to be part of it, a group that shared the conviviality, friendship, learning a great deal about the history of this chamber, about the political dynamics of other parts of the state, but certainly those times are times that I will hold very near and dear.

I had the honor of playing golf with Mike on quite a few occasions and, as I look back and will always remember, I played golf with him just a few days before his passing. He snuck out, tried to get a few hours before sunset of golf in, and I would

have to say to his loved ones, to his family, Mike was never better on a golf course. He blew us away. Roy Goodman said he was a scratch golfer. Well, he always said he had a handicap of five or six or seven, but you're right, Roy, because he played like a scratch golfer, but that day -- he lied about his handicap, but that day that we played just before his passing, he blew us away with at least five strokes, was putting from all corners of the green -- 25-, 30-foot putts, and even Mike was surprised, I think, at how well he did that afternoon. That was at his favorite course, and it always reminded us that on his birthday a year or so before, he got his hole in one, the 12th hole at Schuyler Meadows on his birthday.

I'm sure where Mike is, that every shot will be a hole in one. Mike was a hole-in-one golfer, a hole-in-one Senator, and one that we will always remember as a near and dear friend.

THE PRESIDENT: Thank you, Senator Nozzolio.

Senator Spano.

SENATOR SPANO: Thank you, Madam President.

You know, in the hustle and bustle of the life that we all live in, it's times like this, as has been said before and been said more eloquently now by Roy Goodman, that we do stop for a moment and reflect on our colleague, and it makes no difference which side of the aisle we're on, but there's a commonality that exists among all of us that is unparalleled in any other profession, and there's a lot has been said about Mike Tully, the legislator, and the resolution certainly outlines his accomplishments, and we all know them full well.

But the real part of my -- the many good laughs, the wit, that was discussed by my colleagues and, certainly, you know, one of my first experiences in the Senate when I came here, and if you remember when Warren Anderson was the leader, and when we used to work late and we used to get food in the lounge, a lot of us would grumble about the food, and he'd come in and he'd say, "Spano, you're Italian, right? You like food, right?"

Looked at me, I guess, and said, "We're going to have to do something about the food in here," and shortly he shuffled me off to Warren Anderson and to Steve Sloan, and we upgraded the food and I became chairman of the food committee in the Senate, but it was the type of guy that we could spend a lot of time with in here and outside can be as serious as any one of us can be, can be as dedicated as anyone can be to the issue, whether it be his crusade against smoking or the issues that he felt strongly about, but just as well as we sit and we discussed maybe, many nights we'd discuss family and our lives and got serious, but at the same time he'd be able to turn in his chair and say, "O.K., Roy, it's time for a joke; let's hear a joke," and he'd pick out people at the table and say, "Now, it's your turn." I'd always shudder when he tried to look at me and tell a joke because I would be the worst person in the world to try to do that, but he'd get in our -- and we laugh about it in the chamber, and we laugh about it in the conference, where he'd, you know, We've got to do questions now. Couple of times,

there were a couple of tough budgets here, and he'd say, Hands in the file. All we'd hear about him was hands in the file and we would joke about the -- and Tommy mentioned how he would say to us, Yeah, we're going to go out tonight with the Big Guy and the Little Guy, and the Little Guy is going to bring the other guy and he said we're going to go for dinner. I said, O.K., I'll be there. Where? And he said, The Shipyard, and you know, I'd show up at the Shipyard not knowing who all these other guys were going to be, and sit there and realize who they were when they showed up.

But he taught us a lot and he taught us a lot about being membeers of the Senate, taught us a lot about, of course, being a class act was mentioned and it was certainly him. One other quick thing he taught me out on Long Island, we went to a restaurant for dinner. After dinner we walked out to the bar and he stands, and he said,"Hey, Spano," he says, "take your coat off." Now, you never want to take your coats off; I took my coat off. He says, "Get on your knees; just get on your knees; get on

your knees." And so I get on my knees. He says, "You see that chair over there? See if you can lift it up, from the bottom. You got to lift it up from the bottom from the leg and try to lift that up without bending your arm." So I'm trying and I couldn't do it. He gets down there, lifts it up, he lifts it up right. Finally I watched him, I learned how to do it and, Tom, you were there that night and we had a great deal of fun, a lot of laughs and all of our lives collectively are a lot better for those types of memories that make everything that we do so worthwhile in this chamber.

We say thank you to Mike. I know we can't talk too long because he would be sitting over there looking at me now, saying, you know, "Let's go."

O.K. Mike, let's go.

Thank you.

THE PRESIDENT: Thank you, Senator Spano.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

I rise also to pay tribute to

Mike Tully who was my seatmate right here and sat next to me in conference and, although I was a little bit older than Mike and a senior to him, he always treated me a little bit like his little brother or somebody who was a slow little brother or something.

He was a real "take charge" guy. He knew all the -- he had most of the answers, and I still recall all the things he used to tell me about his children, particularly his son, and so forth, and his youth and his family, a lot of personal things which were very meaningful not only to me but to me, and, you know, of all the people that I serve with and now as I look around this room, and I do think everybody feels this way, I can't think of anybody in this room that ever expected a guy like Mike who was in the peak of physical condition and was so careful about his health and his diet. The last night of the session I brought him in a little miniature Almond Joy, and he gave me a lecture how nobody should ever eat that poison, and all of this stuff. I think he ate it, though, because it got later on.

You know, he was a man of principle and on certain issues, you just couldn't budge him, and he stood there, and you know, he was so circumspect about so many things, his appearance and as I said, his health, his diet, and so forth, and I guess one of the things that was the most could be attributed to him was how loyal he was to his friends. Boy, I'll tell you, Mike Tully would be there; if you were his friend, he was there for you and, you know, he's the last person to let you down or leave you, but you know, we're all going to miss him, and what a loss it is to this Senate, but what a loss it is to his family and to his friends, and to them you have my deepest sympathy, but what a legacy he leaves you. I wish you well.

THE PRESIDENT: Thank you.

Senator LaValle.

SENATOR LAVALLE: Thank you, Madam President.

I rise not only as a colleague and a Long Island colleague, but we've talked today about Mike's accomplishments and his dedication in the area of health care and the

environment. I can tell you as chairman of the Higher Education Committee, and Mike was a member of that committee, he never missed a committee meeting. He was there as probably the first person seated at the table, and I'm not always known for starting meetings on time, but Mike would sit there and the staff would come in and say, "Senator Tully is getting a little antsy; I think you better come out and start the meeting," and as soon as I would walk in, just so I would get the message he would always look at his watch, and you know, after a while we began to start meetings more on time, as best as Ken LaValle could do.

But one of the things and we talked -- we've talked so much here today about what is the measure of a person, and we've talked about dedication and style. No one has actually used the word "loyalty". I don't think there was -- is a more loyal person than Mike Tully. If he was on your side, he was at your side and he would not leave your side.

I can tell you as chairman,

once in a while, as we all can relate to in a committee meeting, sometimes things get carried away and indeed you're not quite sure what's going to happen to a bill. I would look down the table and Mike always sat in the same seat, and on cue, he would say something to reinforce the fact that the bill that we were discussing was very meritorious and he reminded everyone that there were sufficient votes for the bill to be reported.

So his contribution to his concern for higher education and education began at home with his own family. That was very, very important to him. He certainly carried that over, and was, as I have indicated, a contributing member to the Higher Education Committee. I think each chairman would love to have one member who is there one hundred percent of the time, in their seats, helping and contributing.

And so we will miss a person who really showed us what loyalty is all about, of dedication and, as Senator Libous said, a person of great style.

ACTING PRESIDENT MARCELLINO:

Thank you, Senator LaValle.

Senator Maltese.

SENATOR MALTESE: There is very little I can add, but I do want to indicate that when I first came, I had known Mike for some years and he was as a mentor to me, but also in his gentlemanly way, so deferential, so conscious of sensitivity as far as whatever the issue was in the course of our work together and our friendship. I think it was said before he had a certain grace, a certain style that you don't see the like of too often.

I think in all the years I knew him, I never heard him speak ill of any person, in politics or out of politics, and I think that's the measure of a man, the measure of a person, not only a measure of a legislator.

I think there were boxers, I believe they called "Gentleman Jim" or "Gentleman Jim" Corbett or so on, and I think an apt title for a Senator Tully, would be "Gentleman" Mike Tully, a gentle Senator, a gentleman, a good friend, sorely missed.

ACTRING PRESIDENT MARCELLINO: Thank you, Senator Maltese.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

I rise to join my colleagues in praising the late Mike Tully. I didn't know Mike very long; I only served here three years, but I very distinctly remember I think it was my second day here in this chamber and I came in right in the middle of a session. I was sitting outside in the next room, and Mike came over and I was calling up for hotel rooms trying to find a place to stay, and Mike sat down and I think we talked about three hours and Mike told me more about the Senate as an institution and the individuals that were here, in those three hours than I think I've learned in the last three years.

He was an excellent mentor, as was pointed out. He was extremely loyal, very funny. He was really a proud member of this body, somebody that all of us, as we go on in our careers, can be proud to say that we knew a guy like Mike Tully.

There was, however, one thing about Mike that, quite frankly, I did not like. Besides my mother, Mike is the only person that ever called me "Georgie", and I hate that, and I told him that I hated it and he said, "Now that I know you hate it, I will call you nothing else but that," so I'm sure going to miss him. I'm not going to miss him calling me "Georgie" but he was a great person. His family and friends and his staff should be extremely proud of the work that he did here, and I know that I'm extremely proud to have known him.

ACTING PRESIDENT MARCELLINO: Thank you, Georgie -- Senator Maziarz.

Senator DeFrancisco.

SENATOR DeFRANCISCO: It's certainly an honor to speak after Georgie, and (laughter) -- but like you, I've been a seat mate with Mike, and I'll never forget as long as I'm around, that the day, last day of session was a golf tournament that Senator Bruno had, and I mentioned to Mike as we were leaving, "I'll see you at the golf tournament," and he said, "you know, I feel a

little tired today. I think I'll go back home." Never did I, in my wildest imagination, feel that that's was the last time I would see him, and you wonder whether that tiredness was a signal of a problem. But he was an unbelievable individual, as everyone has said, and I'm not going to repeat what everyone said, but there were so many side bars that went on during the course of a session that I wish I could share with you but he would never have wanted me to do that.

One I can share, and that is, as Hugh mentioned about the slow brother, one thing he did help Hugh with, only one thing he helped Hugh with, and that was the crossword puzzles. There was no way that had you could get through a crossword puzzle without Mike's help, and Mike is the only individual I know, except maybe Senator Marchi, who every single session day he was not only here but he was here for virtually every minute of every session unless there was another meeting that he had to attend, and you can't say that about too many people, and the one thing I will remember that was the best advice he ever gave

me when my blood was starting to boil when someone was saying something on the floor that I wanted to jump up and respond to, "It will pass and, please, I've got a golf match at 4:30. Hold on until the next time."

So Mike, we're all going to miss you. I'm going to miss your advice and the great guidance that you gave to me and gave to the members of this Senate and we will never forget you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator DeFrancisco.

Senator Velella.

SENATOR VELELLA: I really hadn't intended to speak on this, but I guess as we sat here -- all sit here and listen and think about our favorite Mike Tully story, I was thinking about something John just briefly alluded to, and that is he probably would have come over and said to me, Come on, I've got to get somewhere. "You don't really have to speak on this, do you? You can save it for another day."

But I think Mike has probably touched all of us in special ways, and the

reason why I did decide to rise was probably I don't know anyone in this chamber who cared more about the people he worked with. I thought about Mike coming over to me, and as most of you know, I was probably one of the heaviest smokers in the chamber, and just coming over to me constantly, reaching into my shirt pocket and taking the cigarettes and throwing them away on me, and I used to go crazy, and he'd say to me, "Throw them right in the garbage pail" and always insisted that I had to give up smoking and finally, when I did in June, he was probably one of the happiest guys. Kept giving me that reinforce ment.

But I think one of the most important things was that I thought about my last conversation with Mike Tully and that was probably outside the chamber here as we were leaving a long session, a tough night, and Mike Tully was thinking about all the guys and gals in this chamber, and he said, "We've really got to sit with Joe when we get back in January," which would have been now, "and talk about ending these late night sessions because

we've got a long, long way and certainly we've reformed what we used to do, but," he said, "there's a lot of guys in the chamber that aren't in as great shape as I am; they aren't as young as I am; they aren't as strong as I am. They don't take such great care of themselves. We got to worry about them because this is really a strain on them," and when I got that call, most of us when we got that call and heard that somebody from the chamber had passed away, one of our colleagues, we probably could have given you a list of 60 Senators in that order and 61 would have been Mike, because he was just strong. He was there, he took care of himself. He was probably a mother hen to some of us, trying to monitor our own health.

So we're all going to miss him, not only for the great job he did as a Senator, for the personal commitment he had to all of us but just for the love he had for all of us, and we have for him.

THE PRESIDENT: Thank you, Senator Velella.

Senator Cook.

SENATOR COOK: Mr. President, I didn't want the occasion to go by without expressing a thank you to Mike. I said it to him many times but I think it ought to be on the record. He was certainly a good personal friend, somebody we always felt at ease with. He was a great intellect, had deep understanding of things that you talked with him about. He grasped the issues. He knew the issue. He knew the real story, what was going on and what you were talking about.

But one of the things that I really appreciated about him was that he was not to be, to use the vernacular, he was not a "pig". He did not insist that Mike Tully always had to get credit for everything that happened. You didn't -- if you wanted to work with Mike on something, his staff, many of whom are here, would join with us at Mike's instruction and help to do things, and he was chairman of the Health Committee, a budget subcommittee. When he was chairman of the Health Committee, as you know, I was dealing with rural health issues and Mike was from Long Island, where he didn't need to care much

about rural health, but he would always sit and say, "Charlie, we want to do what you've got to do for your people," and he was not saying, you know, it's got to be a Mike Tully bill; and the great thing that I really appreciated about him was that, when it came time for that bill to come to the floor or the budget to come to the floor, he'd come over to me and he'd say, "Charlie, is this going to be all right?" Now, sometimes it wasn't what we wanted to have done, but you knew that Mike had gone as far as he could go, you knew that the situation, whatever it was, was being resolved with his help, and the fact that he was that kind of an individual who wove himself throughout this entire chamber and gave strength to everything that everybody else was trying to do made him a very, very special person.

So not only are we remembering a great friend and a great intellect, but we're remembering a guy who invested himself in us, and that we are a part of his life as he is a part of ours.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Cook.

Senator Marchi.

SENATOR MARCHI: Mr. President, it's difficult to put into words what so many of my colleagues have done so well. What moves me is the sincerity with which it was stated, and the resonance it must have found in every individual that's in this chamber, as it is expressed.

I've been here 43 years, my 43rd year, and I've had literally hundreds and hundreds of companions, but I remember each and every one of them as having made a special impact and it completes that mosaic which is a rich heritage, as some of my colleagues have stated here on the floor.

I remember last July I was in the hospital for a good part of a month, and he sent me several "get well" cards and some humorous asides, and when I saw him, he was ever that constructive collegial, warm friend, and almost infallible mentor on almost any subject matter, his devotion was that large.

Many of us went to his funeral

and I think that anyone who went in the outpouring, human outpouring, that he elicited the same rich wealth of expressions and gratitude. These, I'm talking about his constituents who perhaps just saw him occasionally but didn't have the benefit that we did of continuous contact, and the warmth which he expressed certainly tells us a lot about him and his fine family which I met then and now we've all been better served.

I -- there is a deep interaction that takes place, believe you me. Everyone in this chamber makes an impact; everyone contributes to that mosaic which is the hallmark of our heritage. We must acknowledge the fact that there is an institutional reaction and an institutional response which enhances every aspect of our own living.

So I join my colleagues in expressing my deep sympathy again, but we spoke of a celebration. In my religion, a Saints' Day is celebrated on the day that they entered into eternal life, and that's what Mike did. He's in eternal life, speaking well

and taking it all in. I think as many of you have expressed on the floor, that which bound us together in the unforgettable heritage which he left us at each and every contact that we had with him.

So it's a joyful celebration in this sense, and it's the only one that really wears well and stays with you when everything else fades into insignificance, that rich cameraderie that existed with us, in addition to the very fine legislative qualities that he expressed. So I join with them and I feel very deeply that he's observing it well, and that should be a vast compensating factor with the members of his family and those who knew him so well.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Marchi.

Senator Mendez.

SENATOR MENDEZ: Mr. President, I also want to join in support of this resolution. I want to express my sympathy to the family of Senator Mike Tully.

As I was listening to my

colleagues here, I thought that the -- that the individual testimony of each of the persons here do show the collective admiration that Senator Tully had from -- had received from all of his colleagues.

We know that he was very bright, very intelligent, that he had a very clear analytical mind and that showed itself in the productive work that he had here, and the thing that I remember most of him was his endearing personality, his sense of humor, and he used to haunt me and not in front of everybody, haunting me to be requesting for me to stop smoking, and I used to always say to him, One of these days, not yet, but one of these days.

So we are all going to miss him. It was really an experience serving with him, and again I agree, I think that he probably will shoot up straight to heaven without taking his shoes off because he did so much good work on behalf of so many people while he served here in this chamber as well as in his district and throughout the state.

ACTING PRESIDENT MARCELLINO:

Thank you, Senator.

Senator Smith.

SENATOR SMITH: Thank you, Mr. President.

I, too, rise to speak, Mr. President. Mike Tully gave dignity to the title "Senator". Mike was always there, not only for the members of his party but for those of us on this side of the aisle.

I remember fondly being on the Health Committee, and when there were contentious issues, issues that didn't benefit one side or the other, and he knew that it was not going to be favorable for any of us, especially in the press, he would call all of us together and we would discuss it, and jointly we would make a decision even though Mike had made the decision long before he called us together, but he believed that if we were a part of the decision-making that we would be outspoken especially after the decision had been made that was favorable to all of us.

Mike will be missed because he had that wonderful smile and that wonderful

way of making everyone feel that they were important. He congratulated me, I don't know how many times, when I stopped smoking because he, too, bothered me. It took him three years but he managed to get me to do it, and I'm proud of being able to not pick up a cigarette and I'm proud to have had Mike Tully as a friend. He will be sorely missed.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Smith.

Senator Larkin.

SENATOR LARKIN: You know, we've heard great stories by the orator, Senator Goodman, and nobody could really follow Roy in what he was saying. He just had everything to say about Mike that most of us remember about him.

My first introduction to Mike Tully was when I came here in January '91 from the lower house and that was the time of Desert Storm. The first week we were here in session the bombings were going on day and night. Mike Tully called me and he said, "Can I talk to you for a few minutes?" I said, "Yes," and he said, "You know, I used to be

chairman of the Veterans Committee. This is a very trying time for young men and women going to be called up, many of them are from here in New York. They're being called up every day, being sent overseas, and I'm worried about their families. How many will have insurance?"

My good colleague, Senator Velella, he called Senator Velella, and he said, "You know, I think you and I ought to sit down with Larkin, and we ought to talk about the veterans and what we're going to do to help them and help their families." There were families here of veterans called to active duty who had no insurance whatsoever, and I'm sure Senator Velella remembers the time and effort we spent together because we weren't gettin' the cooperation from the second floor at that time that we needed, and Mike said, "Well, I know somebody here and I know somebody here and Guy knows somebody here," and his whole concern was for this young soldier who is going to be called to active duty, sent overseas and his family would be left with no protection, and some

people were saying, "Well, you know, he's a member of the armed forces, they'll take care of him." Yeah, but he lives in Randy Kuhl's district in Elmira, and Drum is hours away. What do they do in an emergency? Some of the places that they worked for had no insurance. Once they got called to active duty in harm's way they lost all of their insurance.

A lot of people don't remember that. Guy, I'm sure you remember giving us the help that you gave us, and a lot of others, and that was a mark for Mike Tully. He could have stepped aside and said, It's Billy Larkin's problem. He's chairman of the Veterans Committee, but he gave so much time and effort to it. When that bill was signed into law, no insurance company today can ever cancel an individual who's called to active duty. How about the life and comfort that he gave, somebody going to be called, and those of you who have ever served in the armed forces and have loved ones at home, you know what it was that you were worried about. Were they protected? What about their health? What about their well-being? What about their

jobs when they come back?

That was striking to Mike because, as a lot of you know, he used to needle me all the time about being the Colonel. I always thought in my my mind, here was an individual who'd served a short span of time in the military, been chairman of the Veterans Committee, but, you know, when a crisis came up, here was a man who remembered others and he always wanted to make sure and I'm sure that in those few days that we were at it, the few weeks we were at it, Senator Velella probably wished I was still in the Assembly because I wouldn't give up, and Mike Tully was insistent how the language should read and I can remember Al spending time, and Frank and Jimmy, and it was very, very important, and all the other things that he did, I guess one of the other things that I found so important, when I finally convinced him to come to West Point and find out what the real world was like instead of Nassau and Long Island. When he came to West Point, he said, "That's it."

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Larkin.

Senator Seward.

SENATOR SEWARD: Thank you, Mr. President. So much has been said about Mike Tully this afternoon, and very appropriately so, that I would be remiss if I did not stand to add my words of tribute to a colleague and good friend. I considered it an honor and a pleasure to sit here in the front row a couple of seats from Mike during my years here in the Senate and across from Mike at the table in the conference room, and I will never forget that very empty feeling, that sense of loss that I felt when I got that terrible telephone call last August in the morning, that Mike had been taken from us.

At a time like this, we can cling to not only Mike's memory but also to his legacy. The people of this state particularly his district, but people in every corner of this state are better off from the service that Mike has rendered these last number of years. Whether it be health care, education, the list goes on and on. The people

of this state are better off because of the years that Mike Tully spent in public service and for those of us who are involved in public service, I can only say that, without question he represented the very best of what it means to be a public servant.

First of all, he was intelligent, a man of great intellect. He was hard working, conscientious. He had an uncanny sense of knowing exactly what was going on in this place at all times. He was a man of substance. He dealt with the tough issues, the substantive issues. Mike was there, and he was on top of them. He was a man of principle, and he looked out for the best interests of his colleagues in this chamber and all of his constituents.

He was a man of class and one that I will never ever forget; but most of all he was a man that cared very deeply about his family and his loved ones, and to those who are with us today, I can only say that I add my words of sympathy and to say that I'm very proud to call Mike Tully a friend and a colleague.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Seward.

Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

Earlier when acting as a Senator, you referred to our prospect of professionalism and duty, in spite of which side of the aisle that we might sit on, and that's a concept that we probably all understand, but I think could not have been made more clear to me than when I was here about four years, and it was a spring day in May, 1990 and there was a huge rally right outside the Capitol given by one of the hostile workers unions, and there were a number of health care activists getting up and speaking, and the speeches became at times more and more shrill, and all of a sudden they said, now we want to interrupt -- want to introduce one of our best friends in state government, Senator Mike Tully, and Senator Tully got up to rather thunderous applause and made a speech that really seemed to impress

all the union delegates and what seemed to be 10- to 15,000 people, and in speaking to some of the union leadership, I said to them, "I didn't know you had that kind of relationship with Senator Tully," and they said to me that every time there had been an issue in which they'd wanted to talk to someone that he had made himself available and had fought on their behalf and had always given them counsel even if he didn't agree with what the issue may have been.

At that time, I think I really understood the need for the types of relationships that we have in this chamber and so I thought that since he was the one who, in a sense, educated me, I went and told him about that particular incident and always found him to be quite gracious and quite helpful to me.

I showed up at The Shipyard one night to be part of a dinner party that did not include Senator Tully but, as he was organizing his own dinner party, he ushered me to my table and gave me a few words of wisdom and seemed to be very much in charge, as I

learned from some of the very interesting stories about him telling Senator Spano when to take his coat off and Senator Libous to put his jacket on, and the way that he seemed to have great authority in this chamber.

I will really remember him as a colleague that had a rare combination of skills that he dedicated to a number of tasks and had a tremendous amount of energy and will always remember him as someone who was always accessible and always quite affable, and so as we tribute him today, as we pay tribute to him we're really speaking for all of those from his district and all of those who met him over the years who would like to lend their voices to ours if they had had the opportunity, whether they had been associates, colleagues or friends.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Paterson.

Senator Kuhl.

SENATOR KUHL: Thank you, Mr. President.

I think it's just a marvelous

tribute to Mike Tully that the people who have spoken today have done so, so eloquently and certainly at such length. I think, regardless of the time that we spend here in the chamber it still wouldn't be enough in a tribute to Mike Tully.

He's obviously touched all of us but in a uniquely different way but in a way I think it's tremendously positive. I consider Mike Tully a friend for a number of reasons. We had an affinity, I think, for the same sport, golf, and we had many occasions to battle it out, so to speak, on golf courses in this area, and one of the great pleasures that I had was watching Mike tackle Augusta National Golf Course, the pinnacle of a golfer's idea of what the world of golf is and what it can be and certainly what there is to be.

But Mike Tully also, I think, as much as he was a leader acknowledged that there -- other people did have concerns at times and did have a specific interest in a topic, and it takes me back to when we were thinking about Mike Tully and the stories that

all of us have to one time years ago when Mike was chairman of the Health Committee, an issue that was very, very much of concern to myself and Senator, then, John McHugh, and other upstate representatives and it dealt with new kinds of restrictions on summer camps for children, and the issue of whether or not there were going to be requirements for all of the toilet operations in the state and the toilet seats changed from circular to one having vents arose, and Mike was very quick to find out that he didn't have the support of the majority in his committee, and the bill stopped dead right there.

Well, after that Mike made a very personal attempt and attachment to all of us to inquire as to whether or not we had any objection to the bills that were going to be coming from his Health Committee thereafter. So there certainly was a recognition that even though he had this grandiose view and perhaps how to better the world and which he did, particularly our residents in New York, he certainly was willing to accept other ideas.

As many of you may know and it

was mentioned here today, Mike was really the predominant force behind the adoption of the pesticide registry in New York. The initial proposal really was viewed as a tremendous, if it had been adopted as presented, a tremendous detriment to the agricultural industry, and so being a representative of that industry in this state for the last couple years as far as the Senate goes, that threw the two of us to potentially a tremendously argumentative position. Neither of us viewed it as that and certainly after three years, I think it was, of consultation and trying to work the situation out, Mike was successful in his effort and we were successful in ours and so that that issue has been resolved, I think to the betterment of everybody the pesticides.

Mike, as far as I'm concerned, will be missed every day. I can't tell you that since his loss in August, I don't remember anybody's loss that I have had reflections on on a daily basis and I think that goes back to perhaps our last supper here in Albany. Billy Larkin and I were very fortunate to have that last supper in Albany

before Mike's demise with him, and I recall it, as you may all recall the end of our session this last year, and Mike came up as he usually does when I was presiding, and said "Well, what are you going to be doing for dinner," and I said, "Well, I don't really have any plans," and he said, "Why don't you and I and the Colonel just find some place where we can go and have dinner" in the maybe hour and a half that we had, and we did. We went to one of his favorite spots, The Shipyard, and we had a really delightful dinner and Mike was typically at his best. He was light, happy, witty, cheerful, and we didn't talk about anything really serious, and when it came time for us to leave, we said, "O.K., now, let's split this bill up." Mike says, "No, no, no, no, no," and we were insistent that we split it up, but Mike was more persistent than Bill and I were and he said, "Look, I'll get this one. You get the next one." Mike, I'm waiting to get the next one.

Thank you.

ACTING PRESIDENT MARCELLINO:

Thank you, Senator Kuhl.

Senator Lachman.

SENATOR LACHMAN: Mr. President, I would also like to rise and very briefly add my words to what so eloquently has been said by so many others.

Since I entered this chamber the same day that Senator Alesi did, I too regret that I did not have the good fortune of spending more time with our good friend whom we miss so much. I never had the pleasure of either playing golf or having dinner with Senator Tully, but at the same time, I appreciated two things about him.

Since I have family and friends who lived and still live in his district, I knew of his major concerns for the health and well-being of the people of this state, his non-partisan concerns for the health of every one, and that was very important to me, and it was an incident that occurred in the lounge just two or three days before the end of session when we were all exhausted, our nerves were frayed, and Senator Tully came over to me and in a most humane and personal manner,

expressed his concern about two of our colleagues who that week were taken ill - Senator Marchi, who was better, and with great pleasure, we see him now in the Senate, or on the Senate floor, and Senator Levy, who we hope will be restored to complete health and will be seen in the near future, and I said to myself, here is a man of concern, of great heart, of great principle, and I remember that to this very day.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Lachman.

Senator Leichter.

SENATOR LEICHTER: Mr. President, there's no question that Mike Tully was a superb legislator, but I think it's interesting and very telling that most of the comments that you've heard this afternoon have really been about Mike Tully, the person, because I think it says how much he touched us as individuals and aside from the clamor of battle here and all the political discord, and so on, we're human beings working at a job and really nobody did it more as a human being than Mike Tully.

If I thought one word to describe Mike Tully, it would be "gracious". In all these years we served together I never knew him to be angry, to be mean, to be nasty, to be short-tempered. He was always a gentleman. He was always a pleasure to work with. He was always patient. He would always speak to you; he would always show real concern for his colleagues. He was very definitely so much a part of the fabric of this house, and in the very best sense.

He was particularly kind to me. He'd sometimes make a little comment about, Franz, don't keep us here so late, and so on, but there was never any nastiness about it. There was friendliness. I think he understood what his other colleagues did, he accepted them. He was a fine person, and it's very hard to think as you look across the aisle and not see him there. He'd always come to chambers, always had a lot of papers with him, always working. He was very conscientious, always in his seat, knew what was going on. He always - if you wanted to know what was happening, you could always check with Mike Tully, and he

would know what was going on, and to think that he's no longer here with us is really very, very hard.

Sometimes we only really appreciate how much people mean to us when they're no longer with us, and that's certainly the case with Mike Tully. It was a terrible shock shortly after we left session to hear what had happened to Mike. I remember we were talking 5:00, 6:00 a.m., in the morning. He had even said he was going to drive back, and I said, Well, please be careful. He said, Well, I've got a driver, and when I heard what had happened, as I said, it was with unbelief.

But we were fortunate to have had Mike Tully amongst us, and we're all the better for it, and certainly the people of this state of New York are better for it, because as I started off he was a superb legislator. He was conscientious, hard working, caring, compassionate. He came here to do a job for the people of the state of New York. He did a wonderful job, and he left all of us with fond memories and the knowledge and

the understanding that you can be political opponents, but we can be involved as colleagues in a greater cause.

Thank you.

THE PRESIDENT: Thank you, Senator Leichter.

Senator Meier.

SENATOR MEIER: Yes, Mr. President.

When you come here as a new member as I did last year, you quickly learn two things about this Senate, and that is that seniority is important here and collegiality is important here, and when you're new you find a lot of occasions where you find out just how important seniority is and you even bump into a few people who are more than willing to teach you how important seniority is.

Shortly after I came here, Senator Tully had an environmental bill that raised some concerns among some folks in the logging industry in my district, and I've only been to Nassau County a few times but I don't believe there's a lot of people there who make

their living cutting down trees and turning it into lumber, but shortly after I had a conversation with Mike Tully about the concerns in my district about that bill, I was visited by his counsel, and I was told by that staff member that Senator Tully had given instructions that they were to work with me until my constituents were satisfied with the bill.

Mike Tully, although he was vastly senior to me in experience and in service in this body, was interested in me as a colleague, and I learned that day what collegiality means in the Senate -- respect for a colleague and an understanding that we are all here to serve all the people of the state of New York, through offering that respect to our fellow Senators.

I was privileged to receive that part of my indoctrination and my instruction as a new Senator from a fine gentleman, Senator Michael Tully, and although I was not privileged to serve with him for long, I was privileged to watch someone who embodied the best traditions of this Senate in

public service itself.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Meier.

Senator Balboni.

SENATOR BALBONI: Mr. President, my colleagues. It is indeed fitting that the first time that I rise to speak on the floor of this historic chamber is to support a resolution for my predecessor, Mike Tully.

Mike Tully and I shared a couple of common characteristics: We both hated speaking at memorials. I am ill at ease and Mike Tully just thought there was much better to focus on in life, so that's what I will do. I will leave you with one story.

We so often don't view ourselves as others do and in this age of cynicism revolving around politics, it's so difficult to judge, particularly how other people in our community judge us. I was walking through Franklin Square, and I was knocking on doors, some of the same doors that Mike Tully knocked on for years, and I happened to meet a little old Italian lady,

and I said, "Hi! I'm Mike Balboni; I'm campaigning for the Senate. You know, Mike Tully passed away." She said, "Excuse me." I said, "Mike Tully passed away," and she says, "Oh, my God," and she stepped back and she started to cry, and I said, "Are you a relative of the Senator?" And she said, "No, but I loved him."

Where do you get that kind of love from? What kind of business do we have to enter into where we have somebody with no other connection than someone who represents us, that cares for what we do. Mike Tully was that kind of man and it will be very difficult ever to match his accomplishments, though I will try my hardest.

Permit me, if I may, to leave you with one last instruction from your colleague, Michael Tully, in the words that he loved and guided him: God grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Balboni.

The question is on the resolution. I'm sorry. Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

I rise to support the resolution and to just say to my colleagues and family members and friends of Senator Mike Tully, that there were two colleagues of mine on the Republican side who -- who have been people that have been closer than the average Republican, if you can understand this, and one of them was Gene Levy, to whom I felt a particular sense of closeness as a person to person, and the other one was Senator Tully, and I believe that part of it is because they didn't take themselves so seriously as a Republican so they could feel very comfortable talking to me as a Democrat from another part of the world from theirs, and I appreciated that and respected it.

I was fortunate to be once in Senator Tully's district. There was a meeting with some women who were part of the nursing association who invited me, and when I walked into the room, Senator Tully was there,

surrounded by some of the people who were there. He -- there was a great smile that came across his face. He was very happy to see me. We did a photo session briefly and he said, Now that you're here, I can leave, and he left but from that, I have a wonderful photo which I will treasure for the rest of my life here.

Senator Tully became chair if the Health Committee. I thought that everything would stop, all work would just absolutely disintegrate when Senator Lombardi left, but lo and behold, the Senator who took his place became an extremely effective advocate especially around women's health, and I appreciate the fact that, even though I was badgering and pleading and begging and working for the expansion of school-based health, I even stole Senator Tully's bill and did a hostile amendment to see if we could try and get it passed that way to have a school-based health standard. We did not, but he never took it as a hostile affront; he accepted it for what it was, and that was my genuine interest and making it move and, therefore,

was never angered by the fact that I was so persistent and aggressive about it.

So I appreciated him as a colleague, as a person who was extremely approachable and who did not make the line of distinction between Republican and Democrat large R and large D, but rather was really a statesman and could accept controversy for the fact that people really cared about issues though they may have been on different sides. I certainly will miss him. He had a wonderful personal smile and warmth about him that I truly appreciated, and I certainly think that today we are doing him an honor by saying how much he has contributed to the body here.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Montgomery.

Senator Onorato.

SENATOR ONORATO: Mr. President, I rise to join my colleagues in paying tribute to Mike Tully, one of my dearest friends in this chamber.

All of the things that have been said previously are certainly true. I

would really be remiss if I didn't just get up to add my words of my knowledge of or with Mike Tully.

I knew Mike when he was a member of North Hempstead. I played golf with him there on several occasions. He knew that I was considering joining this club. He was going to sponsor me, and I came out there on an occasion and I had jeans on. He said, "Georgie, you can't come in here with those on." I said, "What do you mean I can't come in?" I said, "These are Calvin Kleins." He said, "I don't care who they are, you can't come in here with jeans. Go out and change." So I went out and changed into my golf clothes to get into the clubhouse.

And then on the other occasion, there, I think it was very recently, he came in and he said, "Georgie, I got something I got to show you." So I went over; I said, "What is it?" He said, "Look at this." "What is it?" He says, "It's the titanium Taylor bubble, it's terrific." He says, "I'm getting an extra 20 yards out of it." He said, "I played with it yesterday with my pro, and I

shot a 72 with it, so I'm getting it." He says, "Maybe you ought to get one, it'll do you terrific." He says, "Matter of fact, tomorrow, if you can get ahold of Franz Leichter and quiet him down a little bit, I'll give you an opportunity to try it out." Well, as luck would have it, I got ahold of Franz Leichter and quieted him down, but I forgot about Rick Dollinger, and that was the end of the session, so we got out a little too late, and I never got a chance to try that titanium bubble.

But all of my memories of Mike Tully are all very, very fond and loving and I extend my heartfelt sympathy to the family and wish them all the best that life can offer in the future.

Thank you.

ACTING PRESIDENT MARCELLINO: Senator Onorato, if you can do that for Senator Dollinger and Senator Leichter, this session I'll let you use my Taylor bubble.

Senator Rath.

SENATOR RATH: So much has been said, and I thought what could I possibly add

to what those of you who knew Mike so much better except, of course, to extend my sympathy to Mike's family and friends, but also maybe on a rather lilting note, come near the end of these remarks today with the Irish blessing, that the road would rise up to meet you, and that may the wind be always at your back, and the rain fall soft upon your field, and, Michael, until we meet you again, may God hold you in the palm of his hand.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Well, this has just been a magnificent tribute to Mike, and I know he is listening in on this and grinning, a lot of warmth and good feeling because that's what he gave to all of us. He had time for all of us, he cared about all of us. He made us feel warm and welcome and he did, as was mentioned by my colleagues, feel very comfortable crossing party lines and dealing with the issues which were important to him and to us, and, of course, my issues being the environment and women's health, it

was an arena that we could share together and he was so knowledgeable and I just think that he was -- maybe I shouldn't say that this way, but he was just very beautiful. He was beautiful in his appearance and he always looked so elegant, and he was so charming and yet he was so knowledgeable and so genuine and so reaching out, so it's just an incredible loss to all of us and I think that's what you're hearing here today.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is passed.

On behalf of my colleagues, to the family and friends of Senator Tully, we wish you Godspeed and now you've got a sense of what your loved one meant to everyone in this chamber. Certainly was a fine gentleman and beloved by all.

Thank you very much.

Senator Bruno.

SENATOR BRUNO: Mr. President, I believe there are a number of committee assignments and changes that have been designated that are at the desk. I would ask that they be filed there at the desk and acted on accordingly.

ACTING PRESIDENT MARCELLINO: They are at the desk, Senator, and they will be filed in the Journal.

Senator Bruno, again. Senator Bruno.

SENATOR BRUNO: Mr. President, we have a bill that's being drafted now. I had expected it would be here by now, but we're expecting it momentarily and I believe that we have agreement here in this house and in the Assembly, and it changes the date for qualification as it relates to the STAR program for senior citizens to qualify for homestead exemption.

The Assembly is not in session tomorrow. We are trying to pass the bill tonight in both houses. If it appears that it will be within these next few minutes, I would request that we stand in recess and not get

too far away or at ease. If it appears that it's going to be an extended period anything past 15 or 20 minutes, then I would suggest that we take it up tomorrow.

We have instant action in this chamber, probably in honor of Senator Tully, that we don't have to hang around. We're going to ask for an immediate meeting of Rules in Room 332.

ACTING PRESIDENT MARCELLINO: There will be an immediate meeting of Rules in Room 332, and the Senate will stand at ease until the committee comes back.

(The Senate stood at ease from 4:53 until 4:57 p.m.)

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: If we could return to reports of standing committees. I believe there is a report of the Rules Committee at the desk. I ask that it be read.

ACTING PRESIDENT MARCELLINO: Secretary will read a report of a standing committee.

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

Senate Print 5998, by Senator Bruno, an act to extend the period for filing applications.

SENATOR SKELOS: Mr. President, I move to accept the report of the Rules Committee.

ACTING PRESIDENT MARCELLINO: All in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The report is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time if we could take up Senate 5998.

ACTING PRESIDENT MARCELLINO: Secretary will read.

THE SECRETARY: Calendar Number 37, by Senator Bruno, Senate Number 5998, an act to extend the period for filing applications for the school tax relief

exemption.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT MARCELLINO: Yes, Senator Skelos, there is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MARCELLINO: All in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.").

Opposed nay.

(There was no response.)

ACTING PRESIDENT MARCELLINO: The message is accepted.

SENATOR SKELOS: Read the last section, please.

ACTING PRESIDENT MARCELLINO: Please read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 56.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT MARCELLINO: There is no housekeeping, sir.

SENATOR SKELOS: Mr. President, in the name and in memory of Senator Michael J. Tully, there being no further business, I move we adjourn until Tuesday, January 13th, at 3:00 p.m.

ACTING PRESIDENT MARCELLINO: On motion, the Senate stands adjourned in the name and memory of our honored colleague, Senator Michael J. Tully, until June -- until Thursday, January 13th, at 3:00 p.m. The Senate stands adjourned.

(Whereupon at adjourned at 5:06 p.m., the Senate adjourned.)