ALBANY, NEW YORK

April 6, 1998

3:08 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. Will everyone please rise and join me in saying the Pledge of Allegiance.

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

The prayer today will be given by the Rabbi Shmuel M. Butman from the Lubavitch Youth Organization in Brooklyn, New York.

RABBI BUTMAN: As it is the custom here, let us pray together. It is the custom here every year to have a special prayer in memory of the Lubavitcher Rebbe, Menachem M. Schneerson, whose interest was in education for all people, in the literary education of all people regardless of race, of religion, of color and creed. The Rebbe tells us that we live in a special time, the Messianic era, and we have to prepare for that day.

We see that the world has changed in front of our very eyes during the last few years. There are no more wars as it used to be. There is much, much less hunger

in this world. Nations are now busy as to how to live with each other as opposed to how to fight and conquer each other. That is all, the Rebbe says, because the Messianic age is upon us, and we can prepare for that great day by doing more goodness and kindness.

I want you to know that, as legislators, that every Saturday when we take out the Torah and we pray in our synagogues, we say a special prayer for each and every single one of you. We ask Almighty God to bestow his blessing specifically upon those who dedicate their lives for public service and we say, and all of those who dedicate their lives to public service, may Almighty God bestow His blessings upon them; keep them away from all illness and bless them with abundance of goodness, of prosperity, not only in their communal lives but also in their personal lives, and we hope that Almighty God will bestow His blessings upon each and every one of you because you have dedicated yourselves to a life of honesty and decency and to be the custodians of law and order and honesty and decency to all the people of New

York, and through them to the people of the United States, and through the United States as a super power to all the people of the world.

So may you all be blessed and, when you are going to converse in the next few days, I hope you will pass the budget. It is our blessing that you shall do so successfully for the benefit of all the people in this great state of New York, and let me say amen.

I just want to conclude that every year when we are here we do what the Rebbe says. The Rebbe tells us that we should always give to tzedaka -- charity. This is a pushka known in Yiddish as a charity box. A charity box reminds us in a very, very subtle way that we have to give constantly. We have to think not only of ourselves but also of our fellow neighbors who are not as fortunate as we are, so we ask you all the time to give publicly a dollar bill where it says in God we trust into the pushka. Everyone is welcome to participate and you should know when were you are offering five cents to the pushka, this is not a campaign to raise funds; I don't want

you to get scared, but this is a campaign to do more goodness and kindness, so every time you put in five cents or even a penny in a pushka, you are doing a good deed.

Thank you very much, and may God bless you, all of you.

THE PRESIDENT: Amen.

The reading of the Journal, please.

THE SECRETARY: In Senate, Sunday, April 5th. The Senate met pursuant to adjournment. The Journal of Saturday, April 4th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the -- oh, Senator Skelos.

SENATOR SKELOS: Madam President, there will be an immediate meeting of the Finance Committee in the Majority Conference Room.

THE PRESIDENT: There will be

an immediate meeting of the Finance Committee in the Majority Conference Room.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

Madam President, on behalf of Senator Goodman, on page number 13, I offer the following amendments to Calendar Number 325, Senate Print Number 5161, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: Yes, amendments received.

SENATOR MARCELLINO: Thank you, Madam President.

On behalf of Senator Alesi, on page number 14, I offer the following amendments to Calendar Number 345, Senate Print Number 4432, and ask that said bill retain its place on the Third Reading

Calendar.

THE PRESIDENT: Amendments received.

SENATOR MARCELLINO: Thank you, Madam President.

On behalf of Senator Skelos, on page number 17 I offer the following amendments to Calendar Number 411, Senate Print Number 332, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: Amendment received.

SENATOR MARCELLINO: Thank you, Madam President.

On behalf of Senator Hannon, on page number 22, I offer the following amendments to Calendar Number 479, Senate Print Number 6263, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: Amendments received.

SENATOR MARCELLINO: Thank you, Madam President.

On behalf of Senator Wright, on page number 22, I offer the following amendments to Calendar Number 486, Senate Print Number 6478, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: Amendments received, and so ordered.

SENATOR MARCELLINO: Thank you, Mr. President.

On page number 55, on behalf of Senator Velella, I offer the following amendments to Calendar -- I'm sorry. On page number 25, two-five, I offer the following amendments to Calendar Number 521, Senate Print Number 6255, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: Amendments received.

SENATOR MARCELLINO: Thank you, Mr. President.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a resolution at the desk

sponsored by Senator Paterson. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: By Senator Paterson, Legislative Resolution in support of the Centennial Celebration of Paul Robeson.

ACTING PRESIDENT MEIER: Question is on the resolution. All in Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President. Just briefly, on the resolution.

April 9th of this year will mark the centennial anniversary of the birth of Paul Robeson.

Paul Robeson was a singer, actor, scholar and activist of political science, a philosopher. He was a lawyer, an athlete, a freedom fighter and a humanitarian. He was basically a 20th Century daVinci, and probably truly embodies the term "renaissance person".

Paul Robeson won a scholarship

to Rutgers University, was nominated Phi Beta Kappa in his junior year, was the valedictorian of his class. He graduated Columbia Law School in 1923. He became part of the anti-fascism, anti-colonialist movement during the early '30s, fought the tyrrany in Spain, fought tyrrany in other parts of Europe.

He was a well known singer with a signature baritone voice that propelled him throughout the world, and sang in 25 languages. During the late '30s, the proceeds from most of his concerts went to help the Jewish people who were fleeing from Germany, and just earlier today we had the Honorable Rabbi Shmuel Butman presenting our prayer to day, and we also remember that Paul Robeson became at some point in this country involved with those who were fighting for the rights of workers and fighting for civil rights.

He at times met with the Communist Party. He also rejected the Communist Party. As it was said seven years ago by President Nelson Mandela of South Africa, Sometimes when you are fighting a

great beast, you will associate with those you might otherwise criticize.

Because of his actions, Robeson was pretty much blacklisted during the McCarthy hearings from 1952, but had his past work restored in 1960.

He died in 1973. I was privileged to attend his funeral right in Harlem. He -- 19 years after his death, he was admitted to the College Hall of Fame for his attributes on the football field. While a student, he won 15 varsity letters in the areas of track, basketball, baseball and football.

This individual was widely known and historically acclaimed internationally, is not as well known in this particular country. Some of the attributes of just single areas of his life would be marked achievements if any of us would have actually gone that far in a lifetime. This is the reason that we chose to present this resolution today, and I thank all of my colleagues for allowing me to present it.

If there is anyone that would

like to join me in the resolution, if they would notify the desk, we'd be happy for your co-sponsorship.

ACTING PRESIDENT MEIER: 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 Marchi.

SENATOR MARCHI: Yes. By consent, Mr. President -- I'm very happy to join you on the resolution, Senator Paterson.

For the -- for many, many years we have been observing the arrival, and for the most part Rabbi Butman with his colleagues from Kings County, but representing a movement that is worldwide.

The Lubavitcher group and entity is known throughout the world for their dedication to education, and I had the pleasure of discussing at great length with Rabbi Schneerson, who passed away several years ago, on the significant contribution

that has been made by this group. Thousands of centers -- educational centers have carried forth a mission on spiritual -- spiritual values and philosophy which are edifying and define a high standard for people everywhere on this planet.

We go back and, as he raised so eloquently with me, Maimonides who re-introduced the Aristotelian natural law philosophy and gave structure and began what was a scholastic period in this -- in this world which took fuller flower with Thomas of Aquinas -- St. Thomas of Aquinas, and until recently and I guess until very recent date, the outstanding scholastics in this world were the -- Mortimer Adler, the publisher of the British -- the Brittanica rather, and President Hutchings of Chicago University, who were the leading Aristotelian-Maimonides and was in that tradition. Of course, many of you will be familiar with the fact that Maimonides also expressed in the Torah all of the moral law and reduced it, or reduced it -- magnified its effect by the translation and by the commentary that he made at that time.

So the seminal work in a history of moral law that persisted for several thousand years, but also ensured that it would go on forever, I believe. So it is cause for joy; it is cause for celebration in this chamber that you are here, Rabbi Butman, and mindful of the fact that you have been here on many occasions before, and we hope that you go on doing this, because it's an inspirational presence that you bring to this chamber and what you requested us to do and to focus on certainly defines very eloquently the mission that is ours as elected representatives of the people.

So I certainly want to compliment resolve in a highly laudatory way our pleasure in seeing you here, sir, and I believe for purposes of recognition, a distinguished colleague from the other side of the aisle who does not warrant of erudition, and I think would exemplify the very values which you have brought so forcefully to our attention.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: Thank you. It's a pleasure to join my distinguished colleagues in discussing briefly the accomplishment of the Lubavitcher movement internationally and historically, as well as the great spiritual accomplishments of the late Lubavitcher Rebbe of blessed memory, their Hasidic Lubavitch.

He was a giant in his time and his accomplishments, both in a spiritual and intellectual sense, are still with us today and the movement is ever growing, and rather than discussing it from a philosophical theo logical sense, as Senator Marchi has, I defer to him as a theologian and as a philosopher.

I'd like to just bring two incidents from my personal background to bear upon the extraordinary movement that is known as the Lubavitcher movement today.

Throughout the United States in colleges and universities -- north, south, east and west -- there is what is known as chabad houses, chabad houses, and these are spiritual oases in sometimes what is a spiritual wilderness. They were set up by the

Lubavitcher movement at the behest of the late great Lubavitcher Rebbe, where people -- where students -- where young men and women could come and have their spiritual batteries regenerated at the same time they participate in the intellectual community. Not only that, but many of these young men and women are on scholarships and frequently do not have the wherewithal for accommodations or for food, especially for sabbath meals, and meals on Jewish holidays, and the Lubavitcher movement through the chabad houses provide this provide these essentials to them.

On the other issue, in my own community in Brooklyn, I know since we are approaching the Jewish festival of Passover, that the members of the Lubavitcher movement sometimes walk three or four hours, sometimes five or ten miles to different synagogues, temples, houses of worship, people's homes, to make certain that every Jew participates in the Pesach Sedarim, the Seders of Passover, so they could remember the birth of freedom when the Israelites left Egypt thousands of years ago, and the significance and the meaning to

all people today, Jews, Christians, Muslims, Buddhists and Hindus, of this great historic act, and I applaud the Lubavitch movement for their continued activities on behalf of their fellow people in America and around the world.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

I'd just like to lend my voice to that of Senator Lachman and Senator Marchi in congratulating Rabbi Butman and all those who have come today as part of the Lubavitcher movement and in memory of the late Menachem M. Schneerson and the tremendous work they've done all throughout the world, but particularly benefiting those throughout New York City, whether they be Jewish or Christian, or Muslim or Hindu, whoever people were, that they really embody that spirit of oneness that our city and our state could often benefit from a little bit more than perhaps we've experienced, and through the number of organizations that have brought me

in touch with them. Even though my district is some miles away I have been able to observe the tremendous amount of work that they've done and wanted to mention it at this time, and to wish them well.

It was very sad that in 1994 in early March, as the late Rabbi Schneerson lay in a -- on his death bed that a student was killed on the Brooklyn Bridge through an act of hatred and manifested in violence, and it was something that coincided with the last days of his life, but a painful reminder that perhaps in this era of somewhat sanctity that we have forgotten about all those who suffered years ago, all those who suffered in Auschwitz, all those who suffered at Crystal Nacht, and all those whose memory we try to hope that the movements that come forward today and it's well expressed by the Lubavitcher movement, is one that brings people together and one that advances the cause of humanity, and they have a tremendous web site that people can read about if they don't know as much about them, and we encourage that everyone will take a moment to

learn more about the tremendous work that they do.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Corporations, Authorities and Commissions Committee. It will be in the Majority Conference Room.

Mr. President, if we could take up the non-controversial calendar.

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

THE SECRETARY: Calendar Number 151, by Senator Velella, Senate Print 355-A, an act to amend the General City Law and the Penal Law.

SENATOR PATERSON: Lay aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 248, by Senator Saland, Senate Print 3618, an act to amend the Social Service Law and the

Family Court Act.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 317, by Senator Skelos, Senate Print 310-A, an act to amend the Executive Law, in relation to the search of criminal history records.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the

roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 328, by Senator Seward, Senate Print Number 4279, an act to amend the Public Service Law, in relation to the elimination of the mandates for the Public Service Commission.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 329, by Senator Seward, Senate Print 4282, an act to amend the Public Service Law, in relation to annual reports for gas, electric, steam and water corporations.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 387, by Senator Cook, Senate Print 366, an act to amend the Education Law.

SENATOR PATERSON: Lay aside.

SENATOR LACHMAN: Lay aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 392, by Senator Skelos, Senate Print 5149, an act to amend the Domestic Relations Law, in relation to orders of adoption.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 393, by Senator Saland, Senate Print 5196, an act to amend the Social Service Law, in relation to Division for Youth programs.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 427, by Senator Volker, Senate Print 1233, an act to amend the Executive Law, in relation to civil actions.

SENATOR PATERSON: Lay that aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 430, by Senator Present, Senate Print 4018-A, an act to amend the Executive Law, in relation to display of the Prisoner of War and Missing in Action flag.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 447, by Senator Padavan, Senate Print 6389, an act to amend Chapter 890 of the Laws of 1982.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 460, by Senator Rath, Senate Print 2074, an act to amend the Penal Law, in relation to repeat offender status.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays one, Senator Montgomery recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 482, by Senator Leibell, Senate Print 6336, an

act to amend Chapter 680 of the Laws of 1996.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 521, by Senator Velella, Senate Print 6255-A, an act to amend the Insurance Law, in relation to authorizing.

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

ACTING PRESIDENT MEIER: There is a message at the desk.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MEIER: Motion is to accept the message of necessity. All those in favor saying by saying aye.

(Response of "Aye.")
Opposed nay.
(There was no response.)
The message is accepted.
Read the last section.
THE SECRETARY: Section 18. This act shall take effect immediately.
ACTING PRESIDENT MEIER: Call the roll.
(The Secretary called the roll.)
THE SECRETARY: Ayes 56.
ACTING PRESIDENT MEIER: The bill is passed.
Senator Skelos, that completes the reading of the non-controversial calendar.
SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, I believe there is a report of the Finance Committee at the desk. I ask that it be read.
ACTING PRESIDENT MEIER: Reports of standing committees. The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bills directly to third reading:

Senate Print 6842, by the Committee on Rules, an act amending Chapter 29 of the Laws of 1998, making appropriations for the support of government;

Senate Print 6843, by the Committee on Rules, an act making appropriations for the support of government and to amend Chapter 30 of the Laws of 1998.

SENATOR SKELOS: Move to accept the report.

ACTING PRESIDENT MEIER: Without objection, all bills to third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time, if we could take up Calendar Number 529.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: Calendar Number 529, by the Committee on Rules, Senate Print

6842, an act amending Chapter 29 of the Laws of 1998, making appropriation for the support of government.

SENATOR SKELOS: Is there a message at the desk?

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

SENATOR SKELOS: Move to accept. Move to accept.

ACTING PRESIDENT MEIER: Motion is to accept the message of necessity. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

Read the last section.

THE SECRETARY: Section 6. This act shall take effect on April 1st.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays one, Senator Dollinger recorded in the

negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Calendar Number 530.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: Calendar Number 530, by the Committee on Rules, Senate Print 6843, an act making appropriation for the support of government and an act to amend Chapter 30 of the Laws of 1998.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Is there a message? We did the message, right?

ACTING PRESIDENT MEIER: Yes, there's a message at the desk. Motion is to accept the message of necessity. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

Senator Skelos? Read the last section.

THE SECRETARY: Section 50. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays one, Senator Dollinger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could now go to the controversial calendar and call up Calendar Number 392.

ACTING PRESIDENT MEIER: The Secretary will read the controversial calendar. We'll go first to Calendar Number 392.

THE SECRETARY: On page 60, Calendar Number 392, by Senator Skelos, Senate Print 5149, an act to amend the Domestic Relations Law, in relation to orders of

adoption.

SENATOR MONTGOMERY: Last section.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR OPPENHEIMER: Mr. President.

ACTING PRESIDENT MEIER: Senator Oppenheimer.

SENATOR OPPENHEIMER: If I may, I'd like to have unanimous consent to be recorded in the negative on 6842, passed a moment ago.

ACTING PRESIDENT MEIER: Without objection, Senator Oppenheimer will be recorded in the negative on Senate 6842,

Calendar 529.

Senator Skelos.

SENATOR SKELOS: Would you call up Calendar Number 427, by Senator Volker.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: Calendar Number 427, by Senator Volker, Senate Print 1233, an act to amend the Executive Law, in relation to civil actions.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator Volker, an explanation has been requested by Senator Paterson.

SENATOR VOLKER: Mr. President, this is a bill that -- what has occurred is that it was always, I think, the rule that civil actions against the State Police were brought in the -- civil actions against the State Police were brought in the Court of Claims.

A few years ago, there was a

case -- and I forget the number of the case; I think it was Montgomery -- that basically said that in certain -- certain cases could be brought in Supreme Court. In all honesty, it was kind of a -- something that some of the trial lawyers thought was a great bonanza because they felt that some of the litigation against the State Police would be easier to deal with if they were brought before a Supreme Court jury.

It's generally been the law of this state -- and presently parole officers, for instance, and correction officers, lawsuits against both parole and correction officers are primarily and virtually exclusively done in the Court of Claims. Most of the actions on State Police are also brought in the Court of Claims, except that in this increasingly litigious time, as we call it, there has been a number of cases in which attorneys have tried to differentiate between tort and certain kinds of civil actions and, therefore, have been able to get themselves into Supreme Court. Some of those cases, by the way, have been thrown out and end up in

the Court of Claims anyway.

What this bill attempts to do is to say that all those cases end up where they rightfully belong, I think, in the Court of Claims and, therefore, that attorneys can't do jurisdiction shopping, which is basically what they're doing now. In fact, sometimes what they do is they get into Supreme Court and if it doesn't look very good, they'll move over to the Court of Claims and bring an action there, or even sometimes dual actions.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Volker would yield for a question.

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: Senator yields.

SENATOR PATERSON: Senator, just a moment ago, you described the law as being "general", this use of the Supreme Court to entertain these tortious actions. My question is, wouldn't it be safer to say that that really is the law? It's not generally

the law, but that has actually been the specific practice that's been used in this state that we would bring these types of actions before the Supreme Court?

SENATOR VOLKER: Normally bring these types of -- excuse me, we'd bring actions against state employees in the Court of Claims, not in the Supreme Court, so that it is only, I think, just a few years ago that any of these actions were allowed, as far as I know, in the Supreme Court and I think it related to a case -- I'm trying to think; I think it's the Montgomery case; for some reason it's ringing around in my head -- that basically said that there were two kinds of actions that could be brought, and the result was that there is kind of a fine line now between how these actions are brought in the Supreme Court or in the Court of Claims.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: If Senator Volker would continue to yield.

SENATOR VOLKER: Certainly.

ACTING PRESIDENT MEIER: Senator yields.

SENATOR PATERSON: Senator, I'm distinguishing between the specific actions where the case is being brought against an individual employee of the state, not a case against the state for back wages or something to that effect. I'm talking about where perhaps an employee injures another employee, and you've got an action against the state for the actions of an individual.

I thought that there, there was a general understanding that the right was to have these cases discharged in the Supreme Court. Is that your understanding or not?

SENATOR VOLKER: Well, I think the argument by attorneys is that, since it's possible that an action can be brought by an individual member of the State Police against another member of the State Police in Supreme Court because it doesn't directly relate to the -- his actions as a state trooper, that the same thing could be true as I understand for individuals, that is for State Police

action where an individual is involved who sues the State Police or the individual, and technically is acting as a State Police officer.

I think what this -- what this legislation would do is clear up any issue. How these issues are decided is sometimes a very fine line as to whether there's indemnification involved or not. It would say that all these actions have to be brought in the Court of Claims.

SENATOR PATERSON: Thank you, Senator Volker.

Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Paterson, on the bill.

SENATOR PATERSON: Mr. President, I think Senator Volker brought up an example that I think is quite alarming, and I understand his concern about attorneys that would be forum shopping to try to win huge millions of dollars perhaps in awards based on these kinds of cases; but what seems to be the issue here is that by passing this legislation, I don't think we would be

clearing anything up. If anything, I think we would be actually making the process a lot more difficult for those who would seek redress in these types of actions against another individual who is employed by the state.

We think the jury trial would be the best way. Is this at times forum shopping? Yes, it is. However, the forum shopping is going on even in the introduction of this legislation because obviously there is a fear about allowing juries to actually rule on these particular cases, and it's my opinion that this is our American system. This is the one that we have chosen. It's often difficult in a democracy. You will have these exceptions, but we don't want to legislate the exception. We don't want to have a situation where individuals are denied really a fair hearing or at least the hearing of their peers based on legislation we would pass that would rule on all of these type of cases.

It's our feeling that it is the law that where the action is taken more so by an individual that it's not administrative at

that point, that it becomes a real civil case that should be in the jurisdiction of the Supreme Court and would like it to remain the way it is.

I might have something else to add, Mr. President, but if I can't remember it, I know that Senator Gold will. I know that he and I have a kind of mind meld and if I don't remember something, I'm sure he will.

ACTING PRESIDENT MEIER: Senator Gold.

SENATOR GOLD: Mr. President, I don't know why I got dragged into this, but will the Majority Leader yield to a question?

ACTING PRESIDENT MEIER: The Majority Leader doesn't have the floor right now. You're asking whether Senator Volker would like to yield to a question?

SENATOR GOLD: I was just going to ask the Majority Leader how it felt; that's all.

ACTING PRESIDENT MEIER: I don't know how it feels, but he looks good in that chair.

Senator Volker.

SENATOR VOLKER: Last section.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 427 are Senators Connor, Leichter, Montgomery, Paterson and Sampson. Ayes 53, nays 5.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, may we please take up Calendar Number 151, by Senator Velella.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: Calendar Number 151, by Senator Velella, Senate Print 355-A, an act to amend the General City Law and the Penal Law.

ACTING PRESIDENT MEIER:

Senator Velella, an explanation has been asked of Calendar Number 151.

SENATOR VELELLA: Yes, Mr. President.

This bill is one that we've passed, I believe three or four times now. It's the aggressive begging bill that I have sponsored for several years now. The Assembly has not seen the wisdom to pass this and give it on to the Governor, but in a brief outline of what the bill does, it prohibits the sitting or lying down upon a public sidewalk in a city which has enacted a local law prohibiting any person, after having first been warned by a police officer, from sitting or lying down upon a public sidewalk in an urban commercial zone during times when such activity would cause a public nuisance or safety hazard.

There are certain exemptions to this. We've made exemptions for the activities of organized labor which might want to picket or demonstrate a particular establishment; for persons sitting or lying on

a sidewalk due to medical emergency; disabled persons using a wheel chair; operating or patronizing a commercial establishment on a sidewalk pursuant to a valid permit; sitting on a chair or bench supplied by a public agency.

These are all the provisions for the first part of the bill which deals with sitting or lying down upon a public walk way.

The second part of the bill deals with urinating or defecating in public. It creates a crime for urinating or defecating in public. The crime occurs when a person intentionally urinates or defecates in a public place other than a public washroom under circumstances where such acts could be observed by any member of the public. First violation -- first time is a violation; second offense is a Class B misdemeanor.

And then the third part of the bill is aggressive begging. This crime occurs when a person begs by word, gesture, sign or other means with the intent to intimidate another person into giving money or goods by

engaging in threatening conduct which, by its nature, places a reasonable person in fear of harm to his person or property.

That, in essence, is the bill which addresses many of the quality of life issues that we have in cities of this state and particularly in the city of New York, and I move its adoption.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Yes. Would the sponsor, Senator Velella, yield for a question of clarification?

ACTING PRESIDENT MEIER: Senator Velella, do you yield to a question?

SENATOR VELELLA: Yes.

ACTING PRESIDENT MEIER: Senator yields.

SENATOR MONTGOMERY: Thank you, Senator Velella.

I'm trying to understand. It was my impression and understanding that some of these kinds of infractions are already those for which one can be arrested; is that not the case, under the current statute?

SENATOR VELELLA: Well, yes. Last year we had some question as to whether or not this might negate a limited aggressive vending law that was adopted by the city of New York. In fact, this would not. The law that the city of New York has deals with aggressive action around ATM machines, and people who have aggressive conduct around an ATM machine.

This would be any form of aggressive begging where a person places you in imminent danger of physical harm if they don't -- if you don't give up some money to them. You know the kind of circumstances I'm talking about, that in the city of New York, someone might approach you on the street and try to intimidate you into voluntarily giving them a contribution or a donation to their cause. That would be aggressive begging and places you in imminent fear of bodily harm to yourself, and would be a violation of the law if this is passed.

SENATOR MONTGOMERY: Thank you, Mr. Velella, for that explanation.

ACTING PRESIDENT MEIER:

Senator Fuschillo.

SENATOR FUSCHILLO: There is going to be an immediate meeting of the EnCon Committee in the Majority Conference Room.

ACTING PRESIDENT MEIER: Immediate meeting of the EnCon Committee in the Majority Conference Room.

Senator Montgomery.

SENATOR MONTGOMERY: Yes. Mr. President, on the bill.

I just want to mention to my colleagues that this is the annual urination and defecation bill that Senator Velella brings us, as I call it, and this year I'm going to add that I perceive this also to be the anti-homeless bill.

The bill, as it's written, creates the offense of urinating or defecating in public in the second and first degrees. The second degree violation is a -- the first degree violation is a Class B misdemeanor, and the second degree violation is an offense.

The reason that I am opposing this legislation is because there are many instances where people in this category are

essentially homeless, so if we begin to try to charge them with various degrees of criminality, I'm not sure just exactly what it's going to do, because they are already homeless. If they are begging, my assumption is that most people who have a job, who have a home, who are comfortable in their lives, are not out on the streets begging. They are not out with a squeegee, whatever it is, wiping windshields of people's cars asking for a nickel or a dime or a quarter.

So these are people who are already destitute essentially, and Senator Velella wants to make that a crime, so essentially we are criminalizing a person because they are poor, because they're destitute, so I hope that my colleagues will sort of see through this, not that it's not already possible, as often happens, for the police to pick up someone because they are loitering on the streets or they are doing something that threatens people. That's already the case, but this law simply makes a statement that we now are criminalizing specifically beggars and people who don't have

a place to sleep, so they're sleeping on a grate, on a cardboard, under a filthy blanket or they're sleeping in a tent that they made up that's -- that they've thrown up by the Manhattan Bridge because they have no place to live. I see it all the time, and I would certainly hope that we would find other ways of addressing this quality of life problem than criminalizing poor people.

So I'm voting against this, Mr. President.

Thank you.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, to explain my vote.

Right now, on the books we have such charges -- misdemeanor charges as disorderly conduct, fraudulent accosting, harassment and menacing. We believe that most of what Senator Velella would like to accomplish would be covered under those charges, and certainly in New York City proper enforcement of those codes seems to have changed that reality and reduced the amount of aggressive begging, and we think that the laws that exist now cover it.

There are elderly who suffer from incontinence, disability, who can't always find the restroom. We think that this bill is so strong that it would actually bring a lot of people into its scope who really are not trying to be the public nuisances but really can't help themselves.

ACTING PRESIDENT MEIER: Senator Paterson will be recorded in the negative.

Senator

THE SECRETARY: Those recorded in the negative on Calendar Number 151 are Senators Abate, Breslin, Connor, Gold,

Leichter, Montgomery, Paterson, Sampson, Santiago, Seabrook, Smith, Waldon and Mendez. Ayes 47, nays 13.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: May we please return to reports of standing committees. I believe there is a report of the Corporations, Authorities and Commissions Committee at the desk.

ACTING PRESIDENT MEIER: Reports of standing committees. The Secretary will read.

THE SECRETARY: Senator Marchi, from the Committee on Corporations, Authorities and Commissions, reports:

Senate Print 6579, by Senator Hannon, an act to amend the New York State Medical Care Facilities Finance Agency Act, directly for third reading.

ACTING PRESIDENT MEIER: Without objection, directly for third reading.

Senator Fuschillo.

SENATOR FUSCHILLO: May we please -- may we please take up Senate 6579 which was just reported from the Corporations, Authorities and Commissions Committee.

ACTING PRESIDENT MEIER: Senator Fuschillo, I believe there is a substitution for this bill.

SENATOR FUSCHILLO: Take the substitution.

ACTING PRESIDENT MEIER: Substitution ordered. I'm sorry. Read the substitution.

THE SECRETARY: Senator Hannon moves to discharge from the Committee on Corporations, Authorities and Commissions Assembly Bill 9947 and substitute it for the identical Senate Bill 6579.

ACTING PRESIDENT MEIER: Substitution ordered.

THE SECRETARY: Calendar Number 527, by Assemblyman Vann, Senate Print 9947, an act to amend the New York State Medical Care Facilities Financing Agency Act.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR FUSCHILLO: Mr. President, can we return to the controversial calendar and call Calendar Number 387.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: Calendar Number 387, by Senator Cook, Senate Print Number 366, an act to amend the Education Law, in relation to defining non-residents of a district.

SENATOR PATERSON: Explanation.

SENATOR LACHMAN: Explanation.

SENATOR FUSCHILLO: Lay it aside for the day.

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

Senator DeFrancisco.

SENATOR DeFRANCISCO: I'd request unanimous consent to be recorded in the negative on Calendar 427.

ACTING PRESIDENT MEIER: Without objection, Senator DeFrancisco will be recorded in the negative on Calendar Number 427.

Senator Waldon.

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

I was, unfortunately, not here when this august body considered Calendar 427. I would like the record to respectfully show -- it's already out of the house -- had I been here, I would have been voting in the negative. That's 427, Senate 1233, by Senator Volker.

ACTING PRESIDENT MEIER: Senator Waldon, you can be recorded in the negative on that. Do you wish unanimous consent to be so recorded?

SENATOR WALDON: I respectfully request unanimous consent, to be so recorded.

ACTING PRESIDENT MEIER:

Without objection, Senator Waldon will be recorded in the negative on Calendar Number 427.

Senator Seabrook.

SENATOR SEABROOK: I'd like to request unanimous consent to be recorded in the negative on Calendar 427.

ACTING PRESIDENT MEIER: Without objection, Senator Seabrook will be recorded in the negative on Calendar Number 427.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, is there housekeeping at the desk?

ACTING PRESIDENT MEIER: No, there is not.

SENATOR FUSCHILLO: You can recognize Senator Paterson.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, the Minority has some motions to discharge at the desk, but prior to relinquishing them, I would like to point out that, because we did not have session last

Tuesday and Wednesday, in some respects, if there would be a formidable challenge as to whether or not these motions have aged properly, but with the intervention of Senator Skelos, we will be able to present these motions at this time.

I'd like to thank the Majority, and particularly Senator Skelos, the Deputy Majority Leader, "Skelos" coming from the whose name comes from the Greek word that means gracious, kind, concerned, caring, wonderful, outstanding, dynamic and articulate, and although they describe me, I'm just saying that that's what Senator Skelos' name actually is, and we would like to profusely thank him from the bottom of our hearts here in the Minority, from our collective reasoning, from that pillar of dynamic cooperation that has started to fill this chamber, especially since we have broken down into legislative conference committees.

SENATOR SKELOS: Something else is beginning to fill this chamber also, but I do appreciate the comments.

SENATOR PATERSON: Thank you.

Well, Mr. President, in light of Senator Velella's bill, I wouldn't want to be brought up on any charges.

SENAT0R VELELLA: My name being taken in vain?

ACTING PRESIDENT MEIER: Let the Chair note that not since the last time John Marchi spoke, has as much scholarship been aired in this chamber.

SENATOR PATERSON: Thank you, Mr. President.

The motion for discharge that I am offering at this time is hate crimes legislation that we would like to receive state passage.

This would certainly -- this would raise the penalties for an individual who is attacked because of their race, religion, their age, their disability, their sexual orientation

ACTING PRESIDENT MEIER: Senator Paterson, we need to put the motion before the house before you speak on it.

SENATOR PATERSON: Yes. May we have the motion read at this time?

ACTING PRESIDENT MEIER:

Senator, are you referring to Senate 3695?

SENATOR PATERSON: Yes, Mr. President.

ACTING PRESIDENT MEIER:

Secretary will read.

THE SECRETARY: By Senator Paterson, an act to amend the Penal Law, in relation to the crime of murder in the second degree, Senate Print 3695.

ACTING PRESIDENT MEIER:

Senator Paterson.

SENATOR PATERSON: As I was saying, Mr. President, if we would find that there was a bias on the part of the perpetrator that the individual met with this untimely tragedy because of their race, religion, their national origin, their age or disability, their sex or their sexual orientation, we would raise the penalties in these particular crimes. The National Institute for the Prevention of Discrimination offered a report recently showing that victims of hate crimes are far more likely to sustain psychological damage, and that actually the

damage that arises from these crimes is the worst emotional strain other than for a woman who has unfortunately been the victim of a sexual attack.

There are some famous cases that brought on this legislation. On July 20th -- sorry, December 20th, 1986, the terrible murder in Howard Beach of Michael Griffith; on August 24th, 1989, the murder of Yusef Hawkins in Brooklyn, and also in Brooklyn on August the 18th of 1991, the terrible murder of Yankel Rosenbaum. These are probably the most celebrated cases but, unfortunately, crimes that are committed due to bias or hatred are increasing even as we speak, and have increased by 12 percent just over the last year.

What we are hoping, since in a New York Post survey in 1991 showed that 57 of the 61 members of this chamber favor some type of hate crimes legislation to stop the violence that is committed against individuals because of what difference they might have with the perpetrator -- a natural difference -- then we would certainly feel and encourage

through the offer of this particular motion for the Majorities of the Senate and the Assembly along with the Minorities and for the Governor to take a strong look at trying to pass before the end of this year some strong hate crimes legislation.

The federal Civil Rights Act of 1964 has never had a state-accompanied -- a state-accompanied legislation passed in New York State, even though 39 other states have actually achieved this.

What we really aim for in this legislation is to increase crimes where there is a bias connected with the actual crime. Some who argue against this would say, but the crimes are actually covered on our books. But the problem is that when you attack an individual because of their race or because of their religion or their national origin, you are attacking the entire community of people. What you're saying is, if you were the same as these individuals and happened to walk down that same street, that you were just as likely to meet with a violent act.

This causes people to feel

separated from their other citizens and society. This makes communities feel more divided than ever, and then rather than living in a state where we're more at peace with ourselves as we are so often promised in campaigns, we feel more divided than ever, people against people, ethnicity against ethnicity, and often race against raise.

This type of legislation would send a strong message that the violence that's committed in the most inhuman elements of society is not going to be tolerated in a discriminatory way, the same as we do not want to tolerate any discrimination in the areas of housing and health care, in the areas of employment or the areas of opportunity and education; and so this is a small step toward trying to further humanize our state and to say to those who have been brutalized because of the color of their skin or the religion that they practice or the origin of a country that they once lived in, that we as a state, as a family of New York, are not going to tolerate it and that we are going to take special action against those who would limit

the opportunity for any citizen of this state regardless of their race or religion, that we are not going to allow anyone to deprive those freedoms.

We certainly offer this resolution not as much for the possibility of its passage but for the opportunity to be heard and that it may somehow reverberate in some of the other chambers in this great Capitol in which we conduct affairs today and that at some time before the end of this legislative year, we can all agree on legislation that will increase the penalties for hate crimes.

ACTING PRESIDENT MEIER: Senator Gold.

SENATOR GOLD: Thank you.

Mr. President, there was a movie out recently, called The American President, and I know that in certain conservative circles, they were very upset with the overall themes invented in the movie and I thought that Carl Reiner, who produced it, made a great comment. He said, You know, we -- it's a free country; let the

conservatives make their own movie, and I could understand how some of the themes might be offensive to some people, but at the end of that movie, there's a scene where the person playing the rather liberal president has a press conference and he starts to ask some questions, and one of the questions was an attack on him for carrying a card as a member of the American Civil Liberties Union, and his response in that movie was something which, to tell you the truth, I've always wondered myself. He says he doesn't understand how anybody can say they love America and love the Constitution and be opposed to people whose job in life seems to be to protect rights granted by the Constitution, and I know there is a conservative response to that, and I respect the fact that many of my colleagues in this house have different political philosophies than I do.

But I thought of that as my very distinguished deputy leader was speaking on this bill, because I don't understand -- I don't understand how anybody can vote against legislation which basically says that in

America it is a crime to violate the rights of other people based upon the outlines set in this bill -- race, ethnicity, religion, sexual orientation, et cetera. I just don't know how, regardless of political persuasion, anybody can disagree with the concept that an American ought to be able to live his or her life with their own thought patterns. They can live his or her life based upon the incident or accident of birth that makes one an Asian or one born in this country, one a Jew, one a Catholic, whatever.

Not in America. And I say to myself, where does it come from, where -- I understand political boundaries when it comes to concepts of spending or conservativeness or social concerns. I can understand a lot of differences that we have.

I can not understand the difference between us on opposite sides of the aisle which would justify voting against legislation which does nothing more than protect a human being from either being something he or she can't change or being something that he or she does not want to

change and has no legal obligation to change, and if this isn't the most basic -- and I go back again into something I've heard last week when I mentioned the time frame when some of my conservative friends were wearing the American flag, and I would see votes and I would say none of that is what the flag stands for. If the flag doesn't stand for anything, I mean it certainly has got to stand for the Bill of Rights. If the flag stands for anything, it certainly stands for individual freedom in this country, and all that this bill does -- and I say "all" in quotation marks because this bill does a lot -- this bill is a statement of policy in the state of New York which says that people in New York State have a right to walk around minding their own business and not to be assaulted or harassed or injured because somebody else doesn't like what they are, and this bill doesn't talk about -- about people getting up on soap boxes and spewing political rhetoric that offends people or incites people.

This bill talks about human beings, Americans, foreign visitors, anyone

who's in this country, in this state, walking through the streets and having the right to walk and be left alone, and I cannot understand anyone opposing it.

There are a lot of motions that are made to discharge bills, and I understand the difference in political philosophy when it comes to campaign issues. I can understand some people believe that a campaign should be financed, some not. Some believe books should be more open than others and we're involved in political struggles, but this bill protects every Republican from walking down the street and not being assaulted because he or she is of one race or another, of one ethnic group or another, of one persuasion or another. This doesn't protect Democrats. This protects people, not even citizens. It protects every human being who happens to be in this state and who is doing nothing other than living and breathing and, if that's not what the Constitution says, then I don't know what the Constitution says.

I want to applaud Senator Paterson for pushing this and for making it

come to a vote, whether it's successful or not, because there are some issues you cannot walk away from and, my friends, this is one that it should be an embarrassment to every member of this house to walk away from.

There have been negotiations in the past. I've heard that in the past we were close on a bill of this nature, but in order to pass the bill, we had to eliminate one group or the other. I can't understand eliminating anybody under any circumstances. If someone is minding their own business, I don't know how this Legislature could want not to protect any such individual.

We're not arguing now whether someone committed a crime, is running from the crime, is involved in the crime, should they sue, not sue; we're not talking about whether inmates should get college educations. We're talking about the right of a human being to live in this state, mind his or her own business, and be left alone. What could be what could be more American than a bill of this nature? Nothing, I grant -- I say to you, nothing.

Mr. President, if we were ever going to break precedent and grant a motion to discharge, it would seem to me that Senator Paterson has given us the vehicle and the opportunity, and I would hope that this bill would be looked at not as a partisan measure, not as a political measure, but for what it has the opportunity to do, and I would urge everyone to support the motion.

ACTING PRESIDENT MEIER: All in favor of the motion to discharge signify by saying aye.

(Response of "Aye.")

Opposed nay.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR FUSCHILLO: Party vote in the negative.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 25, nays 35, party vote.

ACTING PRESIDENT MEIER: The

motion is defeated.

Senator Hoffmann.

SENATOR HOFFMANN: Yes, Mr. President. I believe I have some bills at the desk, motions to discharge some bills, I wish were at the desk.

ACTING PRESIDENT MEIER: Yes, they are, Senator Hoffmann.

SENATOR HOFFMANN: Thank you. I would like to call up 4811, please.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: By Senator Hoffmann, Senate Print 4811, concurrent resolution of the Senate and Assembly.

ACTING PRESIDENT MEIER: Senator Hoffmann.

SENATOR HOFFMANN: Thank you. This is a brand new bill that I have not previously brought before this body or attempted to bring before this body. I introduced it last year. I don't believe we went through motions for discharge because we had some scheduling difficulties and I thought that certainly we could wait a little bit

longer since there seemed to be a move afoot to reform our budgeting process; but 4811 before us at the desk would allow the state of New York to have a budget by April 1st through a very simple default mechanism.

If the Legislature failed to enact a budget by April 1st, the Governor's budget would become law, and under this measure we would then have 30 days in which the Assembly and Senate could come to agreements on how to amend that budget. It would mean under no circumstances would we go past the 1st of May without a budget as we have in all too many years to be reminded about, and it would mean that the taxpayers of this state would have the satisfaction of knowing that at least one branch of government was capable of having a budget in place, and that would be the executive branch.

Obviously, I have no personal reason to want to promote this or any other executive's budget. I am simply anxious to find a way that we could have a process that would be fair and orderly for the taxpayers of this state.

I do believe that, if a Governor of this state, be he Republican or Democrat, or be she Republican or Democrat, knew that it was possible that this default provision would go into place that I think they would then introduce a more responsible budget than some which have been presented to us in some of the years that I've been here.

So I would -- I would ask my colleagues on both sides of the aisle to consider this new budget reform proposal and vote to discharge this bill from committee so that it could be discussed in earnest on the floor before us today.

I have several other bills that I will bring up that deal with the process following this one, Mr. President.

ACTING PRESIDENT MEIER:
Question is on the motion to discharge. All those in favor of the motion to discharge signify by saying aye.

(Response of "Aye.")

Opposed nay.

(Response of "Nay.")

The motion is defeated.

Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President.

I'm a little disappointed, and I hope that my Assembly colleague, Jay Gunther, has more luck when he brings it up in that house.

Now, I would like to call up 2298, Mr. President.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: By Senator Hoffmann, Senate Print 2298, an act to amend the Public Officers Law.

SENATOR HOFFMANN: Thank you.

This measure is referred to as the "open meetings bill" and I first introduced this bill in 1990. I have attempted to discharge it from committees to be brought to the full Senate for debate every year since 1991, and I don't intend to stop.

This is based on a very simple premise, that whenever the public business is being discussed in this Capitol, it is the right of the public to know what we are

saying. When a majority of any political party elected to either house of the Legislature goes behind closed doors and discusses the public's business in secret, there is a tremendous abuse of power taking place.

There has been much written about this measure. In fact, there was a lawsuit that was brought in 1985 that would have prevented such closed door party caucuses from taking place, and an amazing accomplishment for a Legislature that is sometimes rather slow at getting about its serious business, this Legislature, both houses, passed nearly unanimously a bill that would amend the Open Meetings Law of the state of New York to specifically exempt the Senate and the Assembly, and this has been regarded ever since that time as one of the most arrogant and self-serving moves among many arrogant and self-serving moves undertaken by the New York State Legislature.

It would be nice if we could earn back some of the public's respect that we lost in that move in 1985, and then I would

ask all of my colleagues to consider, in this year of slightly more open discussions of the budget, wouldn't it be a marvelous message to send to the people of this state that we will open the closed door party caucuses. In fact, we wouldn't really need them any more. We could do our budgeting through the committees in which budgets should normally be discussed. When there's a need to discuss something that's political, all that is necessary for the people who comprise a majority or a minority of a political party in either house of the Legislature is for a notice to be posted, a notice to be made that we are now off the clock, we are not working for the taxpayers, we are meeting in secret because we are discussing our political affairs, but absent that kind of notice, there would be no need for those closed door party caucuses which unfortunately have become the hallmark of the New York State Legislature.

So I would urge my friends to join me and allow 2298, the "open meetings bill", to come to the floor for a vote this year.

ACTING PRESIDENT MEIER: All in favor of accepting the motion -- I'm sorry. Senator Gentile.

SENATOR GENTILE: Thank you, Mr. President.

I rise to support my colleague's motion to discharge on Senate Bill 2298. It appears that Senator Hoffmann has been quite a visionary in this regard for opening the closed door party caucuses. I think, just looking at this year's open budget committee hearings is a perfect example why we need legislation like this, the fact that much of what we're discussing on the budget, the input that we all have on this years budget is really saying to New Yorkers that this is the way that we should conduct business in this state and in this house.

It's very interesting, you know, that being new to this Senate is that sometimes you come here with certain expectations, and one of those expectations being, being somewhat of a democratic society that we're in, would be that we all participate in certain decisions of this

Legislature and of this house.

Well, certainly, as you know, this has not been the case in closed party caucuses. I think that that has to change. Senator Hoffmann's bill will help change that and it will say to the people in the state of New York that no one here in this room, in this Senate chamber, has a greater mandate to govern than anyone else in this room.

That's what this bill would do, and I support wholeheartedly Senator Hoffmann's motion.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President.

As is often the case, Senator Nancy Larraine Hoffmann has been sort of ahead of herself or to some extent ahead of where we have wanted to go, but now we have, I think, very, very happily in my opinion, and I think it's given us a great deal of respect, come up to what her proposals have been or at least partially to what her proposals have been, and that is we now have recently experienced an

open process with our budget negotiation and, as was predicted by Senator Hoffmann in her debates in prior years since she began to introduce these bills -- these bills some time back, we've gained the respect of the public and I see my chair -- the chair of my caucus, my budget committee, entering the chamber now.

Senator Libous, I'm so proud to have been part of the process where Senator Libous and Assemblyman Brennan were -- worked together over three days to hammer out in public with other members of their committee participating, an agreement on our small part of the budget.

So I think that Senator Hoffmann has been right in the past. She's right now. We should be looking to open up our doors to let the people who, in fact, are responsible for paying our salary see what we do, and feel that they too understand and can participate and benefit from it.

So, Mr. President, I hope that my colleagues will just see this as an extension of what we've had, what we've

experienced recently, and make this a part of our institutional process from this point on.

Thank you.

ACTING PRESIDENT MEIER: All in favor of the motion to discharge signify by saying aye.

(Response of "Aye.")

Opposed nay.

SENATOR ONORATO: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 25, nays 35, party vote.

ACTING PRESIDENT MEIER: Motion is defeated.

Senator Hoffmann.

SENATOR HOFFMANN: Mr. President, were there any exceptions?

ACTING PRESIDENT MEIER: No exceptions, Senator.

SENATOR HOFFMANN: I was kind of hoping there might be a couple of exceptions this year.

Well, I'd like to move along and request 2299, please.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: By Senator Hoffmann, Senate Bill 2299, an act to amend the Legislative Law.

ACTING PRESIDENT MEIER: Senator Hoffmann.

SENATOR HOFFMANN: This bill deals with the unfortunate practice of all night or late night legislative sessions.

Now, most of us in this chamber have been exposed to those, endured those. They're agony personified, and I was never more proud in my life nor more impressed with the conviction of a colleague than I was the day that Senator Bruno was installed as Majority Leader in this chamber and, as his very first piece of business, he announced a rule change which, of course, we all immediately ratified, a rule change that was

based upon the language of this bill. The rule change prevented all night legislative sessions from taking place except under the most extreme circumstances.

What -- what troubled me, however, having taken this great bold step is that there have already been one exception or two exceptions to that rule, and rules seem to be breakable.

This measure would put in statute the need that I think we really have identified to prevent those late night legislative sessions from taking place. So I am pleased also to have a colleague in the Assembly, Assemblywoman Galef, sponsoring this measure in that house in the interest of everybody's health, safety, longevity and our ability to function with all of our faculties.

I can't see why anybody would want to vote against this measure. So, Mr. President, I would ask you please to call this bill up and see if we can't discharge the end to late night sessions bill from its committee to bring it to the floor for a full vote.

ACTING PRESIDENT MEIER: All in favor of accepting the motion to discharge signify by saying aye.

SENATOR ONORATO: Party vote in the affirmative.

SENATOR FUSCHILLO: Party vote in the negative.

ACTING PRESIDENT MEIER: Call the roll. Oh, I'm sorry. Wait, wait. Yes, call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 25, nays 35, party vote.

ACTING PRESIDENT MEIER: Motion is defeated.

Senator Hoffmann.

SENATOR HOFFMANN: I was hoping there might be a couple of exceptions on that one. Were there any exceptions, Mr. President?

ACTING PRESIDENT MEIER: There were no exceptions, Senator.

SENATOR HOFFMANN: Thank you, Mr. President.

I'd like to call up 2300, please.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: By Senator Hoffmann, Senate Print 2300, an act to amend the Legislative Law.

ACTING PRESIDENT MEIER: Senator Hoffmann.

SENATOR HOFFMANN: Thank you. This bill deals with the issue of special allowances for political titles. We have in New York State in this Legislature an unusual practice, one that doesn't appear in any other state, certainly not in the scope that it does in New York State.

Some time many years ago, I believe it was back in the '50s, there was an understanding that, because some legislators incurred a great deal of out-of-pocket expense performing their duties, and we are, of course, part-time legislators, there was a recognition that there should be a special payment in lieu of -- payment in lieu of salary enhancement, based upon the actual

performance of duties in specific areas. For instance, chairing the Education Committee in either house of the Legislature can become a very time-consuming duty requiring a great deal of travel, extra meetings in the Capital District, clearly making it difficult for a legislator holding that title and that responsibility to earn outside income, so that "payment in lieu of" was a sensible solution to provide fair compensation to legislators who assumed extraordinary responsibilities.

Somewhere along the line it was perverted to something very different. The term of art now in New York State, as everyone knows, is "lulu" and we have "lulus" for two distinct categories in this house and in the other house. One is for actual legislative activity, chairing the Education Committee, ranking Minority member of the Education Committee, the same for every other committee in this house. All of these carry a certain level of compensation in recognition of the duties that are performed and the difficulty that those people would have in meeting the same kind of personal commitment outside as a

member who did not have those duties would have.

However, in this house, we also have and in the Assembly we have political "lulus" as well. The taxpayers of this state are billed every year for a political payment to a sizeable number of legislators in the New York State Senate and Assembly. There are titles, some of them include whips, some of them include Majority or Minority Leaders, deputies, assistant, deputies' assistant Minority, assistant Majority, right on down to second and third level whips.

It doesn't take a genius to figure out that you don't need that many people with a political title to maintain order in this house. A Majority Leader and a Minority Leader or maybe two people holding those titles on each side of the aisle probably could be acceptable to the taxpayers, but the taxpayers that I represent tell me they cannot figure out for the life of them why we need so many people with a political title and taxpayer-subsidized compensation.

If the political parties want

all of these people to have the highly prestigious titles, then the political parties should pick up the tab. I don't believe the taxpayers of this state should be asked to pay that bill, and I know that there are many people around this state who, when informed of this practice, share that same element of surprise and disdain.

So I would ask, Mr. President, that we call up 2230 out of committee and, once and for all, end that unseemly practice of billing the taxpayers for political duties.

ACTING PRESIDENT MEIER: Question is on the motion to discharge. All in favor of accepting the motion to discharge signify by saying aye.

(Response of "Aye.")

Opposed nay.

(Response of "Nay.")

The motion is defeated. Senator Hoffmann.

SENATOR HOFFMANN: Were there any exceptions, Mr. President?

ACTING PRESIDENT MEIER: I

didn't see any, and I was standing up here all the time.

SENATOR HOFFMANN: I would call up 2301.

THE SECRETARY: By Senator Hoffmann, Senate Bill Number 2301, an act to amend the State Finance Law.

SENATOR HOFFMANN: This bill would itemize the Legislative Budget. I don't think we need to explain any more why that is absolutely necessary. There is a tremendous disparity between the way this Legislature spends its budget and the way other state Legislatures spend their budgets.

In this house, there is a spoil system in place. In the Assembly there is a spoil system in place. The only difference is that the spoils are ruled by the Democrats in the Assembly; in the Senate they are ruled by the Republicans. The taxpayers of this system never sanction the spoil system. When they elect us, they expect us to put our partisan differences aside. They expect us to function as a body of equals with respect for each other, not as a bunch of people who are more

concerned about promoting a political party or a political party's control over a legislative house than they are in serving the people of this state, which all too often seems to be the case.

I would ask that 2301 be reported from committee and brought to the floor for a vote, Mr. President.

ACTING PRESIDENT MEIER: All in favor of accepting

SENATOR GENTILE: Mr. President.

ACTING PRESIDENT MEIER: I'm sorry. Senator Gentile.

SENATOR GENTILE: If I may be heard on this motion also in support is, while I commend Senator Bruno for instituting expenditure reports, it is my understanding that many of those expenditure reports come out as much as 18 months after the fact. There is nothing that we can look at -- that New Yorkers can look at at this point from the beginning before a budget is spent as to what is being spent on the Legislature itself.

Indeed, there is a constituent

in my district who is attempting to do just that through Freedom of Information requests to find out exactly what the Legislature spends on itself.

This legislation that Senator Hoffmann has so aptly put forth would not would allow my constituent that information without having to go through a Freedom of Information request.

So, again, Senator Hoffmann, you ought to be commended, and I think this house should follow your lead.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: All those in favor of accepting the motion to discharge signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(Response of "Nay".)

The motion is defeated.

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 25, nays 35. Party vote.

ACTING PRESIDENT MEIER: The motion is defeated.

Senator Hoffmann.

SENATOR HOFFMANN: Let me guess, was that the same vote we had the last time? Were there any exceptions on 2301?

ACTING PRESIDENT MEIER: No.

Senator Hoffmann.

SENATOR HOFFMANN: Thank you.

I would call up 2302.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Hoffmann, Senate Bill Number 2302, an act to amend the Election Law.

SENATOR HOFFMANN: Thank you.

Now, this is a very logical, very simple bill that I'm sure that my colleagues on the other side of the aisle can embrace once I explain it to them.

Let me just take a couple of minutes to tell you why I have introduced this bill for the ninth year in a row. This would require that all campaign spending be recorded in one place next to the candidate's name at

the Board of Elections rather than buried in a forest of mysterious political committees as is often the case right now.

You see, that way it would be possible for any of us in an election or any of our constituents interested in finding out information about an election or any reporter tracking campaign spending to see who is doing what for or against a specific candidate and who's paying for it, because right now it's virtually impossible to know that.

It's quite possible for somebody, if they wanted to, to spend $100,000 on my campaign without me even knowing about it. They could send out mailings. They could do things on my behalf and send them into my district. As long as they were a duly registered political committee under the laws of the state of New York, they could do something on my behalf and even attack somebody else without my knowing it, and it would be very difficult for somebody to find this in the Board of Elections because it would be filed under some complex or arcane name of a committee that might not have any

immediate association with the 48th Senate District.

Now, I don't think that any of my colleagues across the aisle would ever want to see something like that happen in my case and I'm sure that several of them would be embarrassed to know that similar things have happened relative to campaigns on that side of the aisle. So it troubles me to think that we would allow this system to continue.

This bill, 2302 and its companion, 2303, would require that all campaign spending and all campaign literature would be maintained in one single place next to the name of the candidate who is benefiting or the candidate who is being opposed in either instance rather than scattered about, tucked away under other campaign filings.

So I think in the interest of openness and accountability, which I know everyone in this chamber is committed to, we should certainly discharge both of these bills and bring them to the floor for an immediate vote, Mr. President.

ACTING PRESIDENT MEIER: All in

favor of accepting the motion to

SENATOR ONORATO: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 25, nays 35, party vote.

ACTING PRESIDENT MEIER: The motion is defeated.

SENATOR HOFFMANN: Well, Mr. President, I do have the companion bill to 2302, which is 2303 that I just spoke about, and I would like to have that brought to the floor and having explained both of them, let me just further elaborate that it is only a technicality that compels me to place them in separate bills but they both deal with the same concept, that is, having

ACTING PRESIDENT MEIER: Senator Hoffmann, excuse me. May I have the motion put on the floor first and then

SENATOR HOFFMANN: Yes, Mr. President. I stand corrected.

ACTING PRESIDENT MEIER: Okay. The Secretary will read.

THE SECRETARY: By Senator Hoffmann, Senate Bill Number 2303, an act to amend the Election Law.

ACTING PRESIDENT MEIER: Senator Hoffmann.

SENATOR HOFFMANN: Thank you.

This very simple measure allowing easy access to information about campaign literature to be found readily under the campaign -- under the name of the candidate who is benefiting and the name of the candidate who is being attacked or criticized makes eminent sense.

Certainly since Senator Bruno has become Majority Leader and he has begun the process of quarterly reporting on how we, as a Legislature, spend money on our individual staffs, it can't be too big a leap to go into some accountability of a similar meritorious matter when it comes to campaign activities.

All of us have to run for office in order to arrive in this chamber, so it's certainly in the best interest of every member in this chamber and more importantly of all of our constituents to see this matter pass.

So I would ask that 2303 be discharged from its committee and brought to the floor for a vote.

ACTING PRESIDENT MEIER: All in favor of the motion to discharge signify by saying aye.

SENATOR ONORATO: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 25, nays 35. Party vote.

ACTING PRESIDENT MEIER: The motion is defeated.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, may we please return to reports of standing committees. I believe there is a report of the EnCon Committee at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Senator Marcellino, from the Committee on Environmental Conservation, reports:

Senate Print 6833, by Senator Johnson, an act to amend the Environmental Conservation Law, in relation to winter flounder regulations, directly for third reading.

ACTING PRESIDENT MEIER: Without objection, to third reading.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: No, there is not.

SENATOR FUSCHILLO: I'd request the Senate stand at ease for a few moments.

ACTING PRESIDENT MEIER: The

Senate will stand at ease.

(Whereupon, the Senate stood at ease from 4:41 p.m. until 4:45 p.m.)

ACTING PRESIDENT MEIER: The Senate will come back to order.

Senator Skelos.

SENATOR SKELOS: If we could return to motions and resolutions. Mr. President, I wish to call up Print Number 6097-B, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Senate Print 6097-B, Budget Bill, an act to amend the Correction Law and the Criminal Procedure Law.

SENATOR SKELOS: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MEIER: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT MEIER: The bill is restored to its place on the Third Reading Calendar.

Senator Skelos.

SENATOR SKELOS: Mr. President, I now move to recommit the bill to the Committee on Finance.

ACTING PRESIDENT MEIER: The bill is recommitted to the Finance Committee.

Senator Skelos.

SENATOR SKELOS: Mr. President, I wish to call up Print Number 6100-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Senate Print 6100-A, Budget Bill, an act making appropriations for the support of government.

SENATOR SKELOS: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MEIER: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT MEIER: The bill is restored to its place on the Third Reading Calendar.

SENATOR SKELOS: I now move to recommit the bill to the Committee on Finance.

ACTING PRESIDENT MEIER: The bill is recommitted to the Committee on Finance.

SENATOR SKELOS: Mr. President, I wish to call up Print Number 6102-B, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Senate Bill 6102-B, Budget Bill, an act making appropriations for the support of government.

SENATOR SKELOS: Mr. President, I now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT MEIER: The Secretary will call the roll on

reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT MEIER: The bill is restored to its place on the Third Reading Calendar.

SENATOR SKELOS: Mr. President, I move to recommit the bill to the Committee on Finance.

ACTING PRESIDENT MEIER: The bill is recommitted to the Committee on Finance.

SENATOR SKELOS: Mr. President, I wish to call up Print Number 6103-B, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Senate Print 6103-B, Budget Bill, an act making appropriations for the support of government.

SENATOR SKELOS: Mr. President, I now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT MEIER: The bill is restored to its place on the Third Reading Calendar.

SENATOR SKELOS: Mr. President, I now move to recommit the bill to the Committee on Finance.

ACTING PRESIDENT MEIER: The bill is recommitted to the Committee on Finance.

SENATOR SKELOS: Mr. President, I wish to call up Print Number 6104-B, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Senate Print 6104-B, Budget Bill, an act making appropriations for the support of government.

SENATOR SKELOS: Mr. President, I now move to reconsider the vote by which the

bill was passed.

ACTING PRESIDENT MEIER: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT MEIER: The bill is restored to its place on the Third Reading Calendar.

SENATOR SKELOS: Mr. President, I move to recommit the bill to the Committee on Finance.

ACTING PRESIDENT MEIER: The bill is recommitted to the Committee on Finance.

SENATOR SKELOS: Mr. President, I wish to call up Print Number 6105-B, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Senate Bill 6105-B, Budget Bill, an act making appropriations for the support of government.

SENATOR SKELOS: Mr. President, I now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT MEIER: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT MEIER: The bill is restored to its place on the Third Reading Calendar.

SENATOR SKELOS: Mr. President, I move to recommit the bill to the Committee on Finance.

ACTING PRESIDENT MEIER: The bill is recommitted to the Committee on Finance.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business, I move we adjourn until Tuesday, April 7th, at 3:00 p.m.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Tuesday, April 7th, at 3:00 p.m.

(Whereupon, at 4:51 p.m., the Senate adjourned.)