NEW YORK STATE SENATE

THE

STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 21, 1999

11:10 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: I'd ask the staff to find their places, the members to find their places.

And I'd ask everybody in the chamber to rise and join with me in saying the Pledge of Allegiance to the Flag.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT KUHL: The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, colleagues and visitors.

As we start the session today, I just want to focus our attention for a minute on the tragedy that took place in Littleton, Colorado, yesterday. Sixteen young people that we know of lost their lives; many more, injured.

So that it seems fitting that we just pause in our deliberations here and just be thoughtful of the families, of the friends, of those that are injured, and that we recognize that the most meaningful thing that we can do is to be supportive in every way

that we can and to remember all of these people in our prayers and just remember, for all of us, just how fragile life is, and as we start a day, we never know what life will bring before us.

And so I would ask that we just, for a moment, bow our heads and focus our thoughts and prayers on those people in Littleton.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT KUHL: If the members would remain standing.

We're very pleased today to be joined by the Chaplain, Colonel Herbert McChrystal, of the United States Military Academy at West Point, to provide the prayer.

Chaplain McChrystal.

CHAPLAIN McCHRYSTAL: Thank you, sir.

Would you bow with me.

Almighty God, as we celebrate West Point Day here in Albany, New York, we pause to give You praise and thanksgiving for making this opportunity possible. May the activities

of this day strengthen the bonds of friendship, of understanding, of cooperation between the United States Military Academy and the wonderful leaders and citizens of this magnificent state.

God, we pray that the men and women of the Long Gray Line continue to epitomize, through selfless service, the ideals of duty, honor and country, for the sake of our families, for our military, for this great state, for our nation.

Lord, I add -- and certainly hopefully with his permission, that of Senator Bruno -- our thoughts and prayers about this situation. We do pray for the students, parents and families, faculty, friends of Columbine High School in Littleton, Colorado. As the Father of all comfort, we ask that You bring Your healing touch to everyone directly affected by this event and to millions across our land who are deeply saddened by this event.

One more thing, Father. I think it's also appropriate to mention the situation in Kosovo. Again, Lord, You understand the

complexities involved far more than any of us. In addition to bringing comfort to the thousands of refugees, to the American soldiers being held as POWs, help us as a nation to join with the NATO alliance in bringing this tragedy to an end.

Toward this goal, grant our nation and all nations involved the wisdom, the knowledge and the courage to do the right thing. Help us to make our world a place where all people everywhere are treated with genuine dignity and respect.

God, we pray all of this in Your strong name. Amen.

ACTING PRESIDENT KUHL: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, April 20th, the Senate met pursuant to adjournment. The Journal of Monday, April 19, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT KUHL: Hearing no objection, the Journal stands approved as read.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we go directly to motions and resolutions at this time.

ACTING PRESIDENT KUHL: We'll turn to the order of motions and resolutions.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: I believe that there is a privilege resolution at the desk by Senator Larkin. I would ask that that resolution be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT KUHL: There is a privilege resolution at the desk. The Secretary will read it in its entirety.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 1076, memorializing Governor George E. Pataki to proclaim April 21, 1999, as West Point Day in New York State.

WHEREAS, This Legislative Body is justly proud to celebrate the establishment of the United States Military Academy at West Point and to call upon Governor George E. Pataki to proclaim April 21, 1999, as "West Point Day" in New York State; and

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

WHEREAS, The Academy and its graduates are an integral part of the proud history of this State and Nation;

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

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

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

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

WHEREAS, The United States Military Academy is in the forefront of our State's outstanding institutions of higher learning;

Forty-seven years ago, the late

James T. McNamara, then a member of the New York State Assembly, and a member of the Academy's class of 1939, was the author of the State Legislature's first "West Point Day" Resolution;

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

WHEREAS, The members of this Legislative Body are equally proud to commemorate this event, marking April 21, 1999, as "West Point Day" in New York State; now, therefore, be it

RESOLVED, That this Legislative Body pause in its deliberations to celebrate the establishment of the United States Military Academy at West Point and to memorialize Governor George E. Pataki to proclaim April 21, 1999, as "West Point Day" in New York State; and it be further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to Governor George E. Pataki.

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

SENATOR BRUNO: Thank you, Mr. President.

Mr. President, it's my honor and my privilege, on behalf of our colleagues here in the Senate and the visitors, to welcome General Dan Christman, Commander at West Point, his 15 cadets that are here, his staff. The cadets, led by First Captain Rob Shaw of Virginia, Constituent Paul LaVigna, Saratoga Springs -- that's here. Ensign General of the National Guard, Jack Fenimore. And Lieutenant General, Retired, David Traub, who sits here on my left, who is celebrating, I believe, and close to his 98th birthday, and retired as the Comptroller of the U.S. Army.

And he is the type person that we might be able to use in our budget negotiations as we go forward.

(Laughter.)

SENATOR BRUNO: This is a very happy occasion for us here in this chamber, because it gives us a chance to really recognize the brightest and the best of our

young people, who take upon themselves a responsibility to represent the United States throughout the world and to represent the United States in places -- in the Far East, maybe Kosovo -- anyplace where there is a problem, where there is trouble. And it is always to be representative of peace and democracy.

And as you face your future, the future is uncertain presently. But we here just welcome you, applaud you, congratulate you on the dedication and the commitment that you all have to greatness.

And that's what this is all about: your personal, your individual accomplishments, your greatness. And as you go forward, as you represent your own state, your own community and your entire country.

You are a credit to the General, to all the people that have affected your lives. You're a credit to all of us here in the Senate, in the Legislature, the Executive Branch, and to all the people in the United States.

And God bless you all.

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

SENATOR LARKIN: Thank you, Mr. President.

It is my honor and privilege that we offer this resolution today honoring the United States Military Academy at West Point and all that it stands for. I am proud to continue a tradition that we've done in this house for 45 years.

First, I would like to welcome Lieutenant General Dan Christman; his personal staff; and a dear friend here of the Capital Region, as Senator Bruno said it, Lieutenant General David Traub, the Class of 1928 at the United States Military Academy.

(Applause.)

SENATOR LARKIN: I would also like to welcome, most standing behind us, the West Point Society of the Capital Region, who make a major contribution to the Academy.

I would also like to recognize General Fenimore, the Adjutant General of the State of New York, and the Deputy Adjutant General, Bill Martin.

But most of all, I want to welcome the cadets of the United States Military Academy who are joining us here today.

The Long Gray Line began in Orange County 198 years ago. The United States Military Academy today is the oldest active military post in the United States. Many of its structures and institutions predate those here of this noble house.

During the past two centuries, Orange County has been called home to such military greats as Ulysses Grant, Robert E. Lee, Douglas MacArthur, General Dwight Eisenhower, George Patton, General Westmoreland, and General Norman Schwarzkopf. These leaders knew that the strength and security of the United States military must rest on a solid foundation of individual honor and integrity.

Mr. President, this lesson was first taught by them years ago when General Sylvanus Thayer became the first Superintendent of the Academy at West Point. As an Army engineer, Colonel Thayer knew how to build foundations for both a military and a

nation. His vision was a class of highly educated, highly trained engineers who could support the rapid westward movement, expansion, of the United States.

It is appropriate, therefore, that this house give special recognition today to another Army engineer and very distinguished West Point graduate, Lieutenant General Dan Christman, Class of 1965.

Upon graduation from the Academy he now commands, General Christman served as a decorated combat engineer with some of the Army's most elite units -- the Second Infantry Division in Korea, the 101st Air Mobile Division in Vietnam. After leading troops in such places as Korea, Vietnam, and Germany, General Christman served his country in upper echelons in military commands in our nation's capital and abroad.

He is a very distinguished individual. In addition to being a graduate of the Academy, he holds a master's degree in both civil engineering and public affairs from Princeton University and a law degree from George Washington. He is a recipient of many

decorations, of which he truly earned.

At this time, ladies and gentlemen, I would like to ask General Christman to rise and for us to personally recognize you.

General Christman.

(Applause.)

SENATOR LARKIN: But today's Day of West Point is truly special-purpose, for we are here to give recognition to the Corps of Cadets, the future leaders of the United States Army and our nation. It has been often said that the Army is the backbone of the United States Armed Forces. If the Army is the backbone, then her officers are its heart and minds.

I have the pleasure, Mr. President, of introducing these young hearts and minds, New York contingent at the United States Military Academy, which are led by General Christman.

I would ask that each cadet briefly rise as his or her name is read so that my colleagues may acknowledge your presence here and the contributions you've made and will make in the future.

First, First Captain Robert Shaw. We would like to recognize everybody that Mr. Shaw, 38 days to be a second lieutenant, was originally a constituent of Senator Skelos.

Cadet Jennifer Brand, Cornwall.

Cadet Clayton Cohn, of Lynbrook.

Cadet Brandon Duck, Syracuse.

Cadet Joseph Faiella, Holbrook.

Cadet Daniel Ganci, of Staten Island.

Cadet Donna Ingram, of Syracuse.

Cadet Matthew Johnson, Middletown.

Cadet Paul LaVigna, from Saratoga Springs.

Cadet Elizabeth Lawney, of Albany.

Cadet Timothy Maneval, of Horseheads.

Cadet John McNally, Eastchester.

Cadet James Nati, Elmira.

Cadet Marisa Pace, Woodside.

Cadet Gregory Szulis, of Liverpool.

Ladies and gentlemen, this is the Corps of Cadets: duty, honor and country.

Gentlemen, ladies, please rise as a

body.

(Applause.)

SENATOR LARKIN: The cadets at West Point have always been America's best and brightest. Let there be no doubt in this chamber that any of these cadets could have chosen or pursued a different career, some outside of the military that offer higher pay, shorter hours and, some of us remember, even better food.

These cadets chose their country instead. And undoubtedly their country, our country, will ask them to lead troops into harm's way.

Mr. President, as you and I and many in this room know, there is no more difficult task than leading people in combat. Today, in a chamber very similar to ours, the United States Congress debates the use of ground forces in a place called Kosovo. As a veteran of 23 years, I do not envy those in the Capitol or the Pentagon who have the responsibility of sending young American men and women into combat.

However, Mr. President, I do

welcome the opportunity to express my full confidence in the cadets of the Long Gray Line, the young men and women here today and leaders of our nation tomorrow.

God bless you all.

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

SENATOR DeFRANCISCO: I rise proudly in support of the resolution.

If you were listening carefully to Senator Larkin, you would have heard that three of the individuals are from the 49th Senate District, 20 percent of the people that are here. It shows the character of the people in our community and how we are the leaders among leaders in the state of New York.

And what's also very interesting to learn, when you look at the resumes of these various individuals, one of those students is a woman from the city schools, one is a student, a male, from the suburban schools, and one is a student from a private school that -- a Christian school, the Christian

Brothers Academy, that I attended.

So it's a cross-section of our community, showing that we are providing our best to the service of this country.

And being a veteran myself, I'm so proud of each of these individuals and so proud of all of the people who came here from West Point today.

You are the best. We have an obligation, a duty, and a strong desire to help you in any way that we possibly can.

Congratulations. And I know all of you are going to have wonderful, successful futures.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the resolution?

Senator Seabrook -

SENATOR SEABROOK: Yes.

ACTING PRESIDENT KUHL: -- on the resolution.

SENATOR SEABROOK: Mr. President, I'd like to commend these young people and hope that they will follow also in the tradition of a West Point graduate like Benjamin O. Davis, Jr., the first

African-American general to -- also as a graduate from West Point, and that they can continue in the tradition of the American spirit of being a proud American and make us all proud.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the resolution?

Senator Meier, on the resolution.

SENATOR MEIER: Thank you, Mr. President.

As Chair of the Senate Committee on Veterans Affairs, I want to welcome the cadets here today.

And I just wanted to underscore that we in the Senate recognize that the careers that you are about to embark on are really the highest form of public service.

It is a rare individual indeed who is willing to answer the call to a career in service to one's country, where you fully understand up front that part of the calling may well be to place yourself in harm's way and to accept the awesome responsibility of accepting responsibility for the lives and safeties of those who will follow you.

We recognize that. We honor you for answering that call. And we wish you Godspeed with your careers and your very important duties.

God bless, and welcome to the Senate.

ACTING PRESIDENT KUHL: Senator Marchi, on the resolution.

SENATOR MARCHI: Mr. President, I'm a combat veteran of World War II, which happened a little after the Spanish-American War.

(Laughter.)

SENATOR MARCHI: I stayed in the reserves until they threw me out 15 years ago because I had aged out. And now I am in the retired reserve. If any of you hear that I've been reactivated and called back, please know that we're in deep trouble.

(Laughter.)

SENATOR MARCHI: I take further consolation from seeing all of the cadets, especially Cadet Ganci, who is from Staten Island. And I'm proud of the fact that at each and every circumstance through the years

when we've been having this observance, that we've always had people from the Island represented here.

So I want to join my colleagues. God bless you all, and you have our prayers and our -- certainly our full-hearted support and -- and not commiseration, because you're -- if I could only change places with you, but I can't. And you wouldn't want to.

Thank you.

ACTING PRESIDENT KUHL: Senator Paterson, on the resolution.

SENATOR PATERSON: Thank you, Mr. President.

On behalf of Senator Connor and everyone here in the Senate Minority, we want to congratulate the Academy, all of those who have graduated, all of those who are still seeking that rank, for all of their service.

And at this time it probably is important to recognize that there are human beings involved in representing our country in this conflict that we're in right now. And that quite often we become more interested in the ideological debate over whether or not we

should be there than the recognition for our neighbors who go to defend our country and defend other places that our country deems is important.

We had a war that was quite controversial a couple -- a few decades ago in which that happened. And even today, those who served in our armed forces that are now back in the States are not receiving nearly what they would deserve in services based on the fact that they put their lives on the line for this country.

And so having these types of services here in our chamber annually is something that we're very grateful to Senator Bruno and certainly to Senator Larkin for establishing. And I am personally very happy to have been here to witness it.

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

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

Years ago, as a child, my parents often took my brothers and I to the parades where the military was in full glory, marching

across the streets of this nation -- MacDill Air Force Base, in Florida, where we grew up; Fifth Avenue in New York. Everyone was very proud to see our military on display. There was an excitement in the air because America was strong and, through its military force, had maintained the freedom that we all appreciate and we all are blessed to receive.

We've gone through some changes since those years. And Vietnam and other conflicts that were not perhaps properly resolved in our mind's eye have caused us to blink, so to speak, in terms of what is really important about maintaining freedom.

And so many young people who years ago would have jumped to the military, taken that opportunity, are not doing so in great numbers today, because, one, we no longer have conscription, and perhaps because of this attitude, this change in attitude of America.

And so I am very proud today of these young people who have decided -- despite whatever differences in our psyche have occurred since the days of Vietnam, Korea, Kuwait, still want to make sure that the air

that we breathe will be as free as it always has been.

And so we owe them a great debt. It's nice that we honor them today. It's great that they come to the chamber. It's great that we have a chance to be caught up in the ambiance of their presence.

But recognize that the commitment is not just to march on graduation day. Their commitment is to give their lives, if necessary and if called upon, so that we can do the business of the people of this state in this chamber and all across this nation.

And I think an appropriate round of applause and a thank-you to them is really necessary. I thank Senator Bruno, in his wisdom, for bringing them here, and Senator Larkin, our military maven in residence, for doing this.

But I really thank the men and women at the Academy who are the students and who will be the leaders of tomorrow, and the administration which is teaching them how to ensure that all of us can be free.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Maltese, on the resolution.

SENATOR MALTESE: Mr. President, I join my good colleagues in honoring the young cadets and General Christman and, of course, the delegation from West Point.

I join my good colleague, Senator Waldon, in commending Senator Larkin and Senator Bruno and Governor Pataki and all those who participate in bringing this delegation to Albany and to the State Capitol and continuing this long, sacred tradition.

I think at a time when our country faces conflicts on so many fronts and is actually engaged in combat in various areas of the world, it takes a rare person to volunteer to go to West Point and serve in our Military Academy or in any of the Academies.

I think we -- by paying honor to these New York residents who are presently cadets in the Academy, we pay honor not only to all the cadets at West Point, and to their instructors and their commanders, but all those who have preceded them in that Long Gray Line.

I welcome particularly a young lady from my own district, Marisa Pace, who not only is a constituent but also a student at Christ the King -- or was a student at Christ the King Regional High School, where I have the honor to be chairman of the board.

Again, I congratulate these young people. I certainly congratulate General Christman and all the instructors for producing or having such a great part in the lives and the characters of these fine young people.

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

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The resolution is unanimously adopted.

Senator Bruno has asked that General Christman be provided the opportunity to acknowledge the resolution and appreciation that this body has been giving, over the

years, West Point for being a very, very participant member in this state.

So I offer General Dan Christman the opportunity to address the body. General Christman.

GENERAL CHRISTMAN: I am very honored.

This is my third visit. It's the first opportunity, however, to have a chance to address you. And I'm indeed humbled to be here, humbled to represent our student body, and deeply appreciative for the resolution, for the support, for this wonderful environment in the Empire State which you nurture.

I mentioned last year that we entertain dozens of foreign dignitaries at West Point. Tomorrow the Polish prime minister and his cabinet arrives. Next week, the Chinese defense minister and his entourage. Seemingly half of the People's Liberation Army will arrive at West Point. And they are there, amongst other things, to understand how the army in a democracy relates to its society.

And I would simply tell them - have them visit Albany, look at this day, see the relationship of those in uniform to those whom we serve, our citizens. And I would tell them, as I tell you, these officers-to-be, I, pledge allegiance to a principle, not to a person. We will raise our hands to support and defend the Constitution of the United States. You, the people's elected representatives, we do your bidding.

And it is indeed a pleasure to do that in an environment in which the support is so deep and is so moving as you have provided here, as you have provided since West Point was founded in 1802, and as you manifest in each time that we are graced and blessed to come here at Albany and to meet you and to receive your lovely words.

I salute all of you. I wish you the very, very best, and God bless you. Thank you.

(Applause.)

ACTING PRESIDENT KUHL: The Secretary will read the privilege resolution by Senator Marcellino.

Before we do that, the Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, on behalf of Senator Larkin, could we put all the members in the chamber on that resolution.

And if you'd prefer not to be on it, would you please let the clerk know at the desk.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Chair will direct that all the members will be placed as sponsors of the resolution which was just unanimously passed, unless they elect not to participate.

SENATOR BRUNO: Mr. President, thank you.

Could we ask for an immediate meeting of the Rules Committee in Room 328. Immediate meeting of the Rules Committee in Room 328.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Rules Committee, immediate meeting of the Rules Committee in -- note the room -- Room 328. Room 328.

Senator Bruno.

SENATOR BRUNO: And, Mr. President, I believe there's another privilege resolution at the desk by Senator Marcellino. I would ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the privilege resolution by Senator Marcellino in its entirety.

THE SECRETARY: By Senator Marcellino, Legislative Resolution Number 1077, commemorating the 29th Anniversary of Earth Day on April 22, 1999.

WHEREAS, It is the sense of this Legislative Body to recognize and pay tribute to those organizations dedicating their purposeful work to increasing public awareness of, and appreciation for, the natural resources of New York; recognizing the role all citizens have in protecting the environment and the quality of life in this Empire State; and

WHEREAS, On April 22, 1970, approximately 25 million Americans

participated in the first Earth Day demonstration to express their concerns over the environment and the fate of the planet; and

WHEREAS, In the 29 years that have passed since the original Earth Day, the planet has been subjected to the continued burdens of world population growth, increasing commercial and residential development, ocean pollution, increasing stores of toxic and nuclear waste, and other similar assaults which have exacerbated the growing dangers of global climate change, ozone depletion, toxic poisoning, deforestation, and mass species extinctions;

Following the first Earth Day, and the demonstrations of concern of over 20 million Americans, a collective national action has resulted in the passage of sweeping new laws to protect the invaluable resources of air, land and water;

April 22, 1999, marks the 29th Anniversary of Earth Day, a day set aside to celebrate the beauty and bounty of our environment and to revitalize the efforts

required to protect, and maintain respect for, the environment and its resources; and

WHEREAS, Earth Day 1999 activities and events will educate all citizens on the importance of acting in an environmentally sensitive fashion by recycling, conserving energy and water, using efficient transportation, and adopting more ecologically sound lifestyles;

Earth Day 1999 activities and events will educate all citizens on the importance of supporting the passage of legislation that will help protect the environment, and will highlight the importance of a heightened awareness of environmental concerns amongst our State's leaders; and

WHEREAS, The goal of Earth Day 1999 is not to plan only one day of events and activities, but to continue worldwide efforts to protect all aspects of the environment; now, therefore, be it

RESOLVED, That this Legislative Body pause in its deliberations to commemorate the 29th Anniversary of Earth Day on April 22, 1999; and be it further

RESOLVED, That this Legislative Body congratulate all the concerned citizens of New York State who have embraced the responsible work of protecting and preserving the environment for future generations.

ACTING PRESIDENT KUHL: Senator Marcellino, I know that you'd like to speak on this resolution.

But I just thought I'd give the time -- take a short period of time here for the members to find their places. It seems like there's a lot of business going out and around in the chamber. And for us to be able to hear you. Even though we're a mere 30 feet away, I know that I'll have a very difficult time hearing you unless there is some order in this chamber.

The Chair recognizes Senator Marcellino on the resolution.

SENATOR MARCELLINO: Thank you, Mr. President.

It's my pleasure to rise and speak on this important resolution. We've been passing this resolution and commemorating Earth Day for many, many years. And each year

it becomes even more important.

Our environment, our precious environment, is the only one we have. Our planet is the only one we live on. There is no place else to go for us. If we foul our nest, we destroy our planet, we destroy our peace, we destroy everything these young people from West Point have sworn to protect and defend.

So it's our obligation to maintain our planet and do all we can to preserve and protect its environment so that all of our citizens, past, present and future, can have an opportunity to partake and enjoy.

This state, I'm very proud to say, has led the nation in its environmental endeavors, and will continue to do so for many, many years to come. Our Governor and our Leader, Joe Bruno, are true environmentalists who care and wish to protect and preserve our environment, doing it in a safe and appropriate manner.

We will continue those processes. We have many good pieces of legislation to come up before us. And I will be proud to, as

Chair of the Environmental Conservation Committee of the New York State Senate, assist our leadership in those endeavors.

Mr. Chairman, I would also request that every member in the chamber be placed on the resolution. And anyone not wishing to be on it, notify the desk of your concerns.

Thank you, sir.

ACTING PRESIDENT KUHL: Senator Bruno, is it your desire -- Senator Bruno, is it your desire at Senator Marcellino's request that we place all of the members as cosponsors on this Earth Day Resolution with the -

SENATOR BRUNO: Yes. And if anyone, again, would care not to be on it, would you please notify the desk.

Thank you, Senator.

ACTING PRESIDENT KUHL: The Secretary will be directed to do so. If there's any member who does not wish to be on the resolution, please indicate to the desk. The desk will remove your name.

The Chair recognizes Senator Schneiderman, on the resolution.

SENATOR SCHNEIDERMAN: Thank you,

on the resolution. Thank you, Mr. President.

I commend Senator Marcellino for bringing forward this resolution. I actually was a youthful participant in the first Earth Day celebration or march or whatever it was. At that point in time, it was a little less focused. And our environmental -- the environmental movement was really not particularly evolved at that point in time.

I'm really very pleased, in my first year in the Senate, to realize and recognize the fact that there does appear to be a broad bipartisan consensus across this state that we have to have a strong commitment to the environment.

And I'm honestly refreshed and pleased about that. I look forward to working with all of you, and I appreciate the fact that we're all allowed on this resolution.

And I urge any of you who have not been to the Earth Day celebration, with the amazing floats, animals, and displays, to try and attend that in New York City this coming week.

Thank you very much.

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

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The resolution is adopted.

Senator Bruno, we have a couple of substitutions at the desk we'd like to take up at this time, if that's permissible.

SENATOR BRUNO: Please take the substitutions up at this time.

ACTING PRESIDENT KUHL: The Secretary will read the substitutions.

THE SECRETARY: On page 4, Senator McGee moves to discharge, from the Committee on Alcoholism and Drug Abuse, Assembly Bill Number 7126 and substitute it for the identical First Report Calendar, 614.

On page 8, Senator Maziarz moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 2045 and substitute it for the identical First Report

Calendar, 655.

ACTING PRESIDENT KUHL: The substitutions are ordered.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

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

Senate Print 5000, by Senator Meier, an act to afford tax relief to individuals serving in a qualified hazardous duty area.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Motion to accept the rules report, Mr. President.

ACTING PRESIDENT KUHL: The motion is to accept the rules report. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The rules report is accepted and the bills are ordered directly to third reading.

The Secretary will continue to read reports of standing committees.

Before we do that, Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 671, Senate 5000.

ACTING PRESIDENT KUHL: We move to the calendar. The Secretary will read Calendar Number 671.

THE SECRETARY: Calendar Number 671, by Senator Meier, Senate Print 5000, an act to afford tax relief to individuals serving in a qualified hazardous duty area.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Is there a message at the desk from the Governor, Mr. President?

ACTING PRESIDENT KUHL: There is.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 671. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the house. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno. Return to the order of reports of standing committees?

SENATOR BRUNO: Can we return to standing committees and continue with the regular order, Mr. President.

ACTING PRESIDENT KUHL: We will return to the reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the follow nominations:

As a member of the Battery Park City Authority, Lewis Bart Stone, Esquire, of New York City.

SENATOR BRUNO: Move the nominations, Mr. President.

ACTING PRESIDENT KUHL: The question is on the nomination of Lewis Bart Stone to become a member of the Battery Park City Authority. All those in favor of the nomination signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As members of the

Dormitory Authority, José Alberto Corvalan, M.D., of Armonk, and George A. Kellner, of New York City.

SENATOR BRUNO: Move the nominations, Mr. President.

ACTING PRESIDENT KUHL: The question is on the nomination of José Corvalan and George Kellner to become members of the Dormitory Authority. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominations are confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Metropolitan Transportation Authority, Alfred E. Werner, of Bayport.

ACTING PRESIDENT KUHL: The question is on the nomination of Alfred E. Werner, of Bayport, to become a member of the Metropolitan Transportation Authority. All

those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Ogdensburg Bridge and Port Authority, Gary R. Alford, Esquire, of Ogdensburg.

ACTING PRESIDENT KUHL: The question is on the nomination of Gary Alford, Esquire, of Ogdensburg, to become a member of the Ogdensburg Bridge and Port Authority. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Board of Directors of the New York State Science and Technology Foundation, Anthony H. Gioia, of Buffalo.

ACTING PRESIDENT KUHL: The question is on the nomination of Anthony Gioia, of Buffalo, to become a member of the Board of Directors of the New York State Science and Technology Foundation. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Taconic State Park, Recreation and Historic Preservation Commission, George T. Ilse, of Rye.

ACTING PRESIDENT KUHL: The question is on the nomination of George Ilse of Rye, New York, to become a member of the

Taconic State Park, Recreation and Historic Preservation Commission. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Thousand Islands State Park, Recreation and Historic Preservation Commission, T. Urling Walker, of Watertown.

ACTING PRESIDENT KUHL: The question is on the nomination of T. Urling Walker, of Watertown, New York, to become a member of the Thousand Islands State Park, Recreation and Historic Preservation Commission. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

Reports of select committees.

Senator Bruno, that brings us to the calendar.

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

ACTING PRESIDENT KUHL: The Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 242, by Senator Spano, Senate Print 3314, an act to amend the Workers' Compensation Law, in relation to tolling.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 297, by Senator Leibell, Senate Print 3256, an act to amend the Retirement and Social Security Law, in relation to death benefits.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 316, by Senator Saland, Senate Print 3080, an act to amend the Public Health Law, the Tax Law and the State Finance Law, in relation to the Alzheimer's Research Fund.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 31st day of December.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 324, by Senator Spano, Senate Print 1494, an act to amend Chapter 677 of the Laws of 1977 amending the Civil Service Law and others.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 408, by Senator Marcellino, Senate Print 1127, an act to amend the Criminal Procedure Law, in relation to designation as peace officers.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: In relation to Calendar Number 441, Senator Libous moves to discharge, from the Committee on Mental Hygiene and Developmental Disabilities, Assembly Bill Number 6982A and substitute it for the identical Third Reading Calendar, 441.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 441, by Member of the Assembly Brennan, Assembly Print 6982A, an act to amend Chapter 720 of the Laws of 1979.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 451, by Senator Larkin -

SENATOR PATERSON: Lay it aside.

THE SECRETARY: -- Senate Print 3035, an act to amend the General Municipal Law.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 475, by Senator Seward, Senate Print 3534A, an act to amend the Highway Law, in relation to designating a portion of the state highway system.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 482, by Senator Farley, Senate Print 1958, an

act to amend the Election Law and the State Finance Law, in relation to requiring proposition authorizing.

SENATOR DOLLINGER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 496, by Senator Balboni, Senate Print 3889, an act to amend the Soil and Water Conservation Districts Law, in relation to district petty cash funds.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 544, by Senator Padavan, Senate Print 2005, an act to amend the Penal Law, in relation to the disposal of allegedly stolen motor vehicles.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 552, by Senator Skelos, Senate Print 3070, an act to amend the Civil Practice Law and Rules, in relation to additional time to appeal.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno, that completes the -- sorry.

THE SECRETARY: Calendar Number 587, by the Assembly Committee on Rules, Assembly Print 5843, an act to amend the Tax Law, in relation to extending the effectiveness.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

There's a home rule message at the desk. The Secretary will read the last section.

SENATOR DOLLINGER: Lay the bill aside.

ACTING PRESIDENT KUHL: Lay the bill aside at the request of the Acting Minority Leader.

Senator Bruno, that completes the reading of the noncontroversial calendar.

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

ACTING PRESIDENT KUHL: The Secretary will read the controversial calendar, beginning with Calendar Number 324,

Senate Print 1494, by Senator Spano.

THE SECRETARY: Calendar Number 324, by Senator Spano, Senate Print 1494, an act to amend Chapter 677 of the Laws of 1977.

SENATOR DOLLINGER: Explanation, Mr. President.

ACTING PRESIDENT KUHL: Senator Spano, an explanation has been requested of Calendar Number 324 by the Acting Minority Leader, Senator Dollinger.

SENATOR SPANO: Mr. President, this is the extender of the Agency Shop Law, and it extends for two years the provisions of agency shop for public employee unions under the Taylor Law.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr.President, will the sponsor yield to a question?

ACTING PRESIDENT KUHL: Senator Spano, do you yield to a question from Senator Dollinger?

SENATOR DOLLINGER: Through you, Mr. President, if I don't get the thunder through the microphone.

Was any consideration, Senator Spano, given that we have done this in two-year increments for, I believe, more than 10 or 15, 20 years, some period of time? Is that correct?

SENATOR SPANO: There is a bill that I'm also sponsoring that would provide for a permanent extender of agency shop, Senator Dollinger.

But the -- yes, we -- there are a number of provisions of the law that we do extend every two years. You know, like the - like binding arbitration or pension supplementation, the heart bill, the cancer bill. And the -- these are -- they're all not made permanent. It's not quite clear why they're not.

But yes, there is a bill that would make it permanent.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I'd yield the remainder of my time to Senator Connor.

ACTING PRESIDENT KUHL: The Chair

recognizes Senator Connor.

SENATOR CONNOR: Yes. Thank you, Mr. President.

I have an amendment at the desk. And I'd like to call it up now, waive its reading, and explain it.

ACTING PRESIDENT KUHL: If you'll give me just a moment, Senator Connor.

SENATOR CONNOR: Right.

ACTING PRESIDENT KUHL: Senator Connor, I acknowledge your request to waive the reading of the amendment. You're now afforded an opportunity to explain the amendment.

SENATOR CONNOR: Thank you, Mr. President.

This amendment is rather straightforward. It's, I don't know, probably the tenth time I've moved this amendment. It's the same as in a bill that I sponsored for many years. It's the same, I think, as - perhaps Senator Spano has a similar bill. And it would take this experiment of agency shop and make it a permanent feature of law.

When agency shop first passed some,

now, is it 24 years ago, it was a two-year bill. It was quite controversial. The controversial nature of it has certainly waned over the succeeding decades. And frankly, Mr. President, it's quite -- I believe it's unseemly, politically, to just keep doing two-year extenders on something that is so very, very important to ensuring representation for all of our public employee work force.

And it's just not right to force this to be a major issue every two years, to have many of the labor organizations in the state worrying every two years is agency shop going to be extended. Because the fees that agency shop payers generate are very important to the operations of these collective bargaining organizations.

So the amendment, Mr. President, would simply, very simple, make it permanent. I suggest that we pass this. It's very simple. It will be aged by next Monday or Tuesday. And we can get this issue behind us early in the session. And in other years, with other leaders, it's been a

last-day-of-the-session thing. But thanks to our Majority Leader, we're dealing with this up front, which is good.

And I think we ought to go the whole way and just make it permanent and end this 24-year history of making believe we're experimenting. The experiment is over. Indeed, I doubt there are many members in the house -- I know there are some -- who were here when this experiment began. And I'd certainly like to see this experiment end as an experiment before another whole generation of Senators are sitting here wondering why they've been doing the same thing over and over again every two years for 40 years instead of 24 years.

So I would urge my amendment be adopted.

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

Hearing none, the -- Senator Marchi, on the amendment.

SENATOR MARCHI: I have no -- I certainly believe in the principle, and I

believe and support this legislation wholeheartedly. On the other hand, I think it's a -- it's an act of prudence and a reassurance to members of these entities that this undergirds the integrity, the integrity of the whole process. I don't -- I can't think of a single member who knows that -- it has the continuous approval and scrutiny of this legislative body, on that and other kindred issues.

And I don't know whether I would vote for a permanent bill. But I know that this is all right, and I feel that it does assure and protect the integrity of the process by having it on a continuous basis under public scrutiny. And so I have no difficulty with it.

I respect the motivation of those who have introduced this amendment, because it does strike so -- a strong resonance with all of us. On the other hand, I still think that putting it on the biennial basis should be a note of assurance to everybody that's affected.

ACTING PRESIDENT KUHL: The

question is on the amendment. All those in favor of the amendment -

SENATOR CONNOR: I vote in the affirmative.

ACTING PRESIDENT KUHL: The Secretary will call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Record the party-line vote and announce the results.

THE SECRETARY: Ayes, 22; nays, 34. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT KUHL: The bill is passed.

Record the negatives on Calendar Number 324 and announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 324 are Senators Fuschillo, Hannon, Maltese, Marcellino, and Skelos. Ayes, 51. Nays, 5.

ACTING PRESIDENT KUHL: The bill is passed.

The Secretary will continue to read the controversial calendar.

THE SECRETARY: Calendar Number 451, by Senator Larkin, Senate Print 3035, an act to amend the General Municipal Law, in relation to -

SENATOR CONNOR: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 482, by Senator Farley, Senate Print 1958, an act to amend the Election Law and the State Finance Law.

SENATOR DOLLINGER: Mr. President.

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

SENATOR DOLLINGER: Thank you, Mr. President. On the bill.

I'll dispense with the questions for Senator Farley. He and I have discussed this, I think, every year it's been on the calendar. I always sort of politely chide my colleague from the Mohawk Valley and tell him that we've had several opportunities in this house to put this into effect -- when we did the Environmental Bond Act, when we did the Jobs Act -- and we never quite get to putting it. It's a great idea, we've just never followed through.

And I know this will put it into statute and give it statutory force. I would only recommend it's such a good idea, the next time we do a bond issue, let's do it then. That's the time to really put the meat with it.

The only other concern I have, Mr. President -- and I'm not quite sure how I interpret the bill. But I'm concerned about the suggestion in the second part of the bill that there could be promotion by the government of a bond act. And at least my understanding is that under current law, we cannot promote yes or no votes on bond acts.

We can't use the taxpayers' money to encourage them to vote yes. We can tell them what it is and we can tell them what it's about and we can tell them what it's going to cost them, but we shouldn't be in the business of promoting yes or no votes with the taxpayers' money.

And I know Senator Farley knows, there's a long line of cases about the constitutional restrictions on using taxpayer money to fund promotional materials. There's a reference to promotional materials in the second part of the bill.

If this comes back again, I would ask that that section be deleted, because I think we should only talk -- it's a great idea, to tell them what it's really going to cost. But we shouldn't be out promoting yes and no votes. That's not the way we should use our tax dollars.

I'll vote in the negative, as I've done in the past, Mr. President. And I would expect I may be the only one.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negative vote and announce the results.

THE SECRETARY: Ayes, 55. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Balboni, why do you rise?

SENATOR BALBONI: Mr. President, I was wondering if you would check to see how I was recorded on Calendar Number 242, Bill Number 3314 -- I'm sorry. I'm sorry, wrong bill.

ACTING PRESIDENT KUHL: Senator Balboni -

SENATOR BALBONI: 324, Calendar Number 324, Senate Bill Number 1494. How was I recorded?

ACTING PRESIDENT KUHL: The Secretary informs me, Senator Balboni, that

you were recorded in the affirmative.

SENATOR BALBONI: I'm sorry, Mr. President, I believe that's in error. I'd like to be recorded in the negative. Is that possible?

ACTING PRESIDENT KUHL: Without objection -- hearing no objection, Senator Balboni will be recorded in the negative on Calendar Number 324.

The Secretary will continue to read the controversial calendar.

THE SECRETARY: Calendar Number 587, by the Assembly Committee on Rules, Assembly Print Number 5843, an act to amend the Tax Law, in relation to extending.

ACTING PRESIDENT KUHL: There is no home rule message at the desk, which was previously announced.

But the Chair recognizes Senator Breslin.

SENATOR BRESLIN: Then through you, Mr. President, I'd like to ask the sponsor a question or two.

ACTING PRESIDENT KUHL: Senator Meier, do you respond to a question from

Senator Breslin?

SENATOR MEIER: Certainly, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR BRESLIN: Are there any home rules attached to this request for a tax?

SENATOR MEIER: Although there is not a formal home rule message, there is a resolution from the county legislature requesting the introduction and passage of this legislation.

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

ACTING PRESIDENT KUHL: Senator Breslin, also the desk would simply inform you, in addition to what Senator Meier has announced to you, that there was a home rule that was necessary when the bill passed the Assembly. The Assembly bill is actually before the house.

That's just for your information.

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

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negative and announce the results.

THE SECRETARY: Ayes, 54. Nays, 2. Senators Dollinger and Gentile recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno, that completes the reading of the controversial calendar.

SENATOR BRUNO: Mr. President, is there any housekeeping at the desk that we should take up before we -

ACTING PRESIDENT KUHL: The housekeeping has all been taken care of, Senator.

SENATOR BRUNO: Thank you, Mr. President.

And there being no further business to come before the Senate, I would move that

we adjourn until April 26, 3:00 p.m., intervening days to be legislative days.

Enjoy the weekend.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until Monday, April 26, at 3:00 p.m., intervening days to be legislative days.

(Whereupon, at 12:15 p.m., the Senate adjourned.)