NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 2, 2003

11:15 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

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

THE PRESIDENT: With us this morning to give the invocation is Father Edson J. Wood, O.S.A, with the United States Corps of Cadets. He's their chaplain, at Most Holy Trinity Chapel in West Point.

CHAPLAIN WOOD: Before we pray, I'd ask you to join me in a moment of silence as we remember our uniformed men and women throughout the world who are in harm's way today.

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

CHAPLAIN WOOD: May we pray.

Almighty God, we pray You to guide this great state and those who lead it, defend our liberties always, preserve our unity, save us from violence and discord, from pride and

arrogance. Give Your spirit of wisdom to all whom we entrust with authority over us.

Look with Your generous bounty on West Point, which is to be honored here today. Let her remember that her mission of "duty, honor, country" is not a way of looking only at certain things, it is a certain way of looking at everything. We pray You make all who are associated with her into men and women for whom "duty, honor, country" becomes and remains a way of life.

Our prayer this day comes from hearts that are open to You, eternal God, and we ask these things in Your name, which is mighty.

May we all say amen.

ALL: Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, April 1, the Senate met pursuant to adjournment. The Journal of Monday, March 31, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without

objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno.

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

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 1047, memorializing Governor George E. Pataki to proclaim April 2, 2003, 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 2, 2003, as 'West Point Day' in the State of New York; 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; and

"WHEREAS, 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; and

"WHEREAS, 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; and

"WHEREAS, 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; and

"WHEREAS, Fifty-one 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; and

"WHEREAS, 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 2, 2003, 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 2, 2003, as 'West Point Day' in New York State; and be it further

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

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President, colleagues.

It's with great honor that I stand to personally greet the cadets from West Point and their Superintendent, Lieutenant General William J. Lennox, Jr.

General Lennox was named Superintendent in 2001, June 2001. And just 30 years previous to that, in '71, he sat as a cadet and graduated from West Point. Went on to distinguish himself in a scholarly way with a doctorate in literature from Princeton University, and then, pursuing a military career, went on with a military fellowship at Harvard.

So he prepared himself well for a very distinguished career, and to reach really

the epitome of success in the military, to be named Superintendent of West Point, where you have the responsibility as a role model -- and that you are, General -- for the cadets, for everyone in the military.

And he is joined by the Chaplain, Father Wood -- and thank you for your thoughtful prayer -- and with 13 cadets, led by First Captain Ricardo A. Turner, from Detroit, Michigan. So we welcome you here, all of you.

And General Hughes, who is here, who started his career out of West Point and in Korea, and flew in Korea, and was there when the war started. And who distinguished himself throughout his military career, and now has the pleasure of residing in Senator Larkin's district, I believe, where Senator Larkin, Colonel Larkin, continually communicates with him and I'm sure enlists him in every way to stay tuned in.

So thank you, General.

And our own General Maguire, who heads up our militia, the National Guard and our State Guard. So we welcome the General

here.

We welcome you all. These are troubled times. They are difficult times. They are challenging times. War in Iraq and in Afghanistan is raging. We watch the news every day.

Your colleagues, those that have gone before you, are there. Some of you will be in the front lines, doing what you're trained to do, doing what you have committed your lives to do. Just as those that go, the generals and all those that go before you, committed their lives to help people be free.

Our country was formed, as you know, through Valley Forge, the Battles of Saratoga, for freedom. People were oppressed and suppressed and persecuted, and they fought and died and they suffered to be free. And there are those that are tyrannists who would be out there enslaving people. The 9/11 taught us a bitter, bitter lesson, that there are despots, there are maniacs who are there, who will inflict bodily harm, will do whatever to enslave people and take their freedom.

You are committed to protecting not

just New York State, the United States, but the entire world. So we are indebted to you. We applaud you. You have distinguished yourselves by being cadets. You are a very select few from the thousands and tens of thousands that aspire to sit where you sit. You have attained a distinction and an honor that we all would envy.

So we thank you for your dedication, for your commitment, for your service.

And I know our Colonel Larkin, Senator Larkin, has a commitment of his own -- not just to the people of New York State and his district, but to the military. And we're proud of Senator Larkin. And I am pleased to ask, Madam President, that Senator Larkin address the Senate.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Thank you, Madam President. Thank you, Majority Leader.

It is indeed an honor and a privilege to represent West Point. It is indeed a special honor when you can bring to this chamber the distinguished cadets, led by

a distinguished military leader and a New Yorker who was appointed by Congressman Ottinger from Westchester in 1967, General Lennox.

Sitting in front of General Lennox, as the Leader said, is General Hughes, a very distinguished military leader who was in the first wave of pilots that went to Korea in 1950, combat wounded, served our President Nixon, and commanded the Pacific forces.

General Hughes has a special connection with the cadets. Many of his colleagues were wounded, many of them classmates, many of those who were at the Academy with him. And when we started the Purple Heart stamp last year, he went to the AOG, and you came through in the thousands. I thank you, General Hughes.

You know, it's really special when we start to look at the Long Gray Line. March the 16th of the year 2002 we celebrated the 200th anniversary of the establishment of the Academy. Thomas Jefferson had a vision that he wanted an institution. And people thought about an engineering outfit. And that fell to

Silvanus Thayer, who is the father of West Point.

The Long Gray Line has many meanings. And it isn't just the movies that we used to see, and some of the young girls would cry because they saw the poor cadets walking.

But what it is, we look at this Long Gray Line, we look at our facility -- it's a treasure. Look at the cadets. How about the first man to walk in space was at West Point. The landing on the moon: Buzz Aldrin. There were many others. Seventy-five Congressional Medal of Honor winners are graduates of the Long Gray Line. Three Heisman Trophy winners are graduates of West Point. We have had five five-star generals during our tenures; four of them are West Pointers.

When you start to look at what the Academy does, what the Academy means, it's just breathtaking. I say to anyone who has never been to West Point, you've missed one of God's greatest treasures.

When we look at the Academy, people

just don't see buildings. Let's look at the cadets, for example. In my district -- Senator John Bonacic is well aware of it, Senator Morahan -- we see these cadets in our communities, helping. Whether it's in religion classes, community efforts, helping with young people, drug addiction, cleanup.

Just last May, 40 cadets turned up to clean up two cemeteries, clean them up, get them ready for Memorial Day. Nobody said "You have to go." We put out a call, and they answered quickly.

They are committed. They have helped us with children with disabilities, they've helped us with our elderly. Because when they stated -- the day they went, on R-Day, they raised their right hand, these cadets. And what did they say? "I pledge." Duty, honor, and country.

We have some cadets, now young lieutenants, who were here two years ago who are in Afghanistan today, and Iraq, fighting for the freedoms that we all cherish and enjoy.

And we look at you and say thank

you. You are a pride, you're special to us.

And we're joined here today by the West Point Society. These are individuals who live in the Capital Region who are very proud to come here and be reconnected with you and the Academy, because they never forget the Academy.

Senator Bruno told me one day: "When are you going to take off your green suit?" I said, "When they put me six feet under."

But you never forget. And nobody will ever forget you.

We know that you are leaders. You have taken that oath. And you will be the greatest leaders, and you will follow in the tradition.

And many of you, I'm sure, know people who graduated last year or the year before that are over there and are communicating with you. As one of the cadets said to me today, "I can't wait to get there."

Well, don't -- don't work too quick. I remember in '44, I said, "I want to go." And when I got there, I said, "Whoooh,

maybe I got there too quick."

Like Leibell, Leibell volunteered, and he's been protecting the Hudson for Saland and I.

(Laughter.)

SENATOR LARKIN: We didn't lose any water in the Hudson, so he's done a good job.

But you know, when you look, as the Leader said, about General Lennox's assignments, critical assignments, assignments that brought him to the position of Superintendent, you know, it isn't just a glory assignment, it's an assignment that carries a lot of responsibility with it.

Because he, with the Commandant of Cadets and General Kaufman, who is the academic dean, have a responsibility to educate and prepare these cadets for any assignment, whether it's with government, with combat units or whatever it is. And, ladies and gentlemen, they do an outstanding job.

Some of you who are watching the briefings by Vincent Brooks, Brigadier General, his brother Leo is the Commandant of

Cadets. His father is a retired general, and we served together. So this Long Gray Line has been special.

And now I'd like to ask the cadets, as we call your name, if you would just please stand to be recognized by this body.

Our First Captain this year is Ricardo Turner, and he's from Detroit, Michigan.

(Applause.)

SENATOR LARKIN: From the Bronx, we have Cadet Mack Brown.

(Applause.)

SENATOR LARKIN: From Voorheesville, we have Cadet William Denn.

(Applause.)

SENATOR LARKIN: From Hudson, we have Cadet Sean Gardner.

(Applause.)

SENATOR LARKIN: Whose mother and father are in the rear. And working for the Senate, yes, sir.

From Hamburg, New York, Cadet Michael Gugino.

(Applause.)

SENATOR LARKIN: And Michael's father is sitting right over here.

From Inwood, Long Island, Cadet Michael Hendricks.

(Applause.)

SENATOR LARKIN: From Yorktown Heights, Cadet Amy Patel.

(Applause.)

SENATOR LARKIN: From Monroe, New York, in the 39th Senatorial District, we have Cadet Jill Marie Rahon.

(Applause.)

SENATOR LARKIN: And her parents are here, right behind me, thank you.

From Horseheads, Senator Randy Kuhl's district, Cadet Matthew Tunison.

(Applause.)

SENATOR LARKIN: And another cadet from the 39th, via Fort Poke, Louisiana, where his parents are stationed, Cadet Shaun Wild.

(Applause.)

SENATOR LARKIN: From Albany, New York, Cadet David Wimbush.

(Applause.)

SENATOR LARKIN: From West Falls, Cadet Desiree Zeilen-Ersing.

(Applause.)

SENATOR LARKIN: Ladies and gentlemen, this is the future of America. These are the future combat leaders. They're the future government leaders. These are the people that we as a nation will entrust to carry, carry the cornerstone of West Point forward, to the greatest words we'll ever hear: "Duty, honor, and country."

There are not a lot of words that we can say to you today. Those on the first rung of the ladder understand it's a long climb, those of you including the First Captain.

First Captain Turner, you must look at the TV quite a bit in your wee hours of the morning and see General Vince Brooks, your predecessor twenty years ago, the First Captain. What an outstanding individual.

We now see the turmoil in the Middle East, and we don't know what it's going take, we don't know where we're going. But we know that we can count on you, men and women

of the Corps, to uphold the rights and freedoms of our country and carry on in the tradition that those before you, who you know who, you've studied under. I can think of nothing better to say to you than we thank you. We thank you.

And as the Leader said, the class coming in this coming year, there is approximately 10,000 applicants for the 1,000 seats. And they're star students. They're academic students. They're proven leaders in their own high schools.

And you will prove, as you leave West Point, that you've earned that line to become part of the Long Gray Line.

On behalf of my colleagues in the Senate, I wish you good speed, good health, and I thank you for being so faithful and wanting to protect the freedoms of this great nation. Thank you and God bless you.

(Standing ovation.)

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time recognize Senator Smith.

THE PRESIDENT: Senator Smith.

SENATOR ADA SMITH: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR ADA SMITH: It is truly an honor and it is with great pride that we welcome each and every one of the cadets here today.

You are truly our best. You could go anyplace in the world, but you have chosen to dedicate yourselves to the safety and well-being of all people by becoming cadets at the greatest institution in this country, West Point.

We would like to say thank you to Superintendent General Lennox, to General Hughes, and to all who have formulated what you will become in later life, for teaching

you the art of becoming a great soldier.

We thank you especially in these troubling times. You are truly our best. We love you, we pray for you each day, and we thank you for what you will become.

(Applause.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time extend the privileges of the Senate floor to Senator -- to General Lennox.

(Laughter.)

THE PRESIDENT: Lieutenant General Lennox.

(Applause.)

SUPERINTENDENT LENNOX: Majority Leader Bruno, Minority Leader Paterson, Senator Larkin and members of this distinguished Senate, let me just tell you it's a thrill to be here. Resident of Yonkers, graduate of Cardinal Hayes High School in the Bronx there, nominated by Congressman Ottinger -- this is truly an honor.

And on behalf of the 59,000

graduates of the Academy, the 4,000 cadets there, I want to thank you for what you've done today and your support of us all the time.

I think I'd just like to make two points today. First of all, on driving out the gate this morning we drove past the security hooch right there, and there on the shoulder of that young soldier was the patch of the Rainbow Division.

And I want to give my compliments to the National Guard in particular, who have been up there protecting West Point and allowing us to do the job that we do. Members of Charlie Battery, First Battalion, 258th Field Artillery from Queens, and Alpha Company, First Battalion, 127th Armor Regiment from Dunkirk.

Through a rather tough winter, through some rather tough times, they've been out there every single day doing the job. Probably not a tough winter for those from Dunkirk, but still doing an absolutely great job.

West Point is the largest employer

in Orange County, one of the most visited locations in the country. And that continues despite the tough weather, despite the security restrictions. People still keep coming, they keep coming to see their Academy. And I invite you all to come up and see your Academy.

If you go around and you see the tremendous sights there -- the Great Chain across the river, the fortifications that Kosciuszko built, the house that housed Thayer and Lee and MacArthur -- and you see only that, you really do miss the important part of the Academy, and that's these outstanding young men and women there.

And I just want to just tell you about a couple of them, a couple of grads. One of them, Gina Fox, before she came to the Academy, All-State softball player from Watertown High School. At the Academy, Gina was Dean's List and an All-Conference third baseman for the softball team. A year ago today, she and her teammates split a doubleheader against Wagner.

This week, she's deploying from

Fort Campbell to Iraq where she's going to lead a platoon in the 101st.

Dan Ganci, born and raised in Staten Island. Dan graduated from the Academy in 2000. His uncle, a paratrooper from the 82nd, passed along his Airborne wings to Dan when he graduated from Airborne School. Dan's uncle was Pete Ganci, chief of the New York City Fire Department, one of those 343 who gave their lives in the World Trade Center.

Today, Dan's leading a mortar platoon in the Third Infantry Division. He told reporters, "I'm not here to avenge a death, just to make sure it doesn't happen again."

And Dave Petraeus, from Cornwall, New York, went to Cornwall High School, where he earned his nomination to West Point. Graduated from West Point in 1974 as an infantryman, and he earned a doctorate from Princeton. Today, Dave Petraeus commands more than 15,000 soldiers in the 101st Airborne, including that Second Lieutenant Gina Fox.

And just before the war started, Dave reminded his soldiers that the road to

home went through Baghdad. And we wish him and all of his soldiers Godspeed in that journey.

Ladies and gentlemen, leaders are made, not born. And that's what we do at West Point: We build leaders, leaders like Gina Fox, Dan Ganci, and Dave Petraeus. We build those leaders by challenging them, physically and intellectually, to achieve excellence. We build those leaders by instilling in them the virtues of duty, honor, and country. And after four years, we send those leaders out to the Army to fight our nation's battles, to win our nation's wars.

I can tell you that at West Point we remain committed to producing leaders of character, the kind that our soldiers deserve and the kind our nation needs.

Come see us. Come see your Academy. And come see those great young men and women who are the future leaders of America. They'll inspire you as they do me every single day.

Thank you for the opportunity to address you.

(Standing ovation.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, I would suggest we have a very short recess while the cadets leave the chamber, and the General, and again thank them again for their attendance and for their great responsibility and duty.

Thank you, General, again.

SUPERINTENDENT LENNOX: Thank you very much.

THE PRESIDENT: The Senate stands at recess.

(Whereupon, the Senate stood at ease at 11:47 a.m.)

(Whereupon, the Senate reconvened at 11:56 a.m.)

ACTING PRESIDENT McGEE: The Senate will please come to order.

Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Finance Committee in Room 124.

ACTING PRESIDENT McGEE: Immediate meeting of the Senate Finance

Committee in Room 124.

Senator Skelos.

SENATOR SKELOS: Madam President, there's a privileged resolution at the desk by Senator Meier. Could we have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: By Senator Meier, Legislative Resolution Number 1048, congratulating the Whitesboro High School Boys Hockey Team and Coach Mike Jeffery upon the occasion of capturing the New York State Division II Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play, and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success, and

developing a sense of fair play and competition; and

"WHEREAS, The Whitesboro High School Boys Hockey Team are the New York State Division II Champions; and

"WHEREAS, After beginning the season with a 4-4 record, the Whitesboro High School Boys Hockey Team reeled off 22 straight wins to finish with a school record 26 wins, capturing the Section III Title and their first New York State Championship, after defeating Batavia High School 2-1; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Mike Jeffery and Assistant Coach Mark Evans, skilled and inspirational tutors respected for their ability to develop potential into excellence; and

"WHEREAS, The team's overall record is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, The hallmarks of the

Whitesboro High School Boys Hockey Team, from the opening game of the season to participation in the championship game at the Utica Memorial Auditorium, in front of 3,282 screaming fans, were a brotherhood of athletic ability, of good sportsmanship, of honor, and of scholarship, demonstrating that these team players are second to none; and

"WHEREAS, Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school; and

"WHEREAS, Coach Mike Jeffery and Assistant Coach Mark Evans have done a superb job in guiding, molding, and inspiring the team members toward their goals; and

"WHEREAS, Sports competition instills the value of teamwork, pride and accomplishment, and Coach Mike Jeffery and his outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative

Body pause in its deliberations to congratulate the Whitesboro High School Boys Hockey Team, its members -- Kyle Harter, Chris Pawlick, Ryan Williams, Steve Schoen, Peter Williams, Brad Harter, Jim Moore, Matt Petell, Nick Tutino, Aaron Johnston, Ryan Hoffman, Steve Nutty, Keith Williams, Rick Bostic, Dave Farley, Dan Martin, Andy Starczewski, Anthony Excell, Drew Farley, Jeff Seakan, Kyle Roberts, Otto Isenberg, Chris Hornesky, Tim Schoen, and Jeff Ryczek -- Managers Kyle Snyder and Cameron Lojewski, Assistant Coach Mark Evans, and Coach Mike Jeffery on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Whitesboro High School Boys Hockey Team and to Coach Mike Jeffery."

ACTING PRESIDENT McGEE: Senator Meier.

SENATOR MEIER: Thank you, Madam President.

The young gentlemen seated behind me here in the gallery are the New York State

Division II hockey champions from Whitesboro, New York.

I think it's really appropriate and I'm glad it worked out this way that they were here for West Point Day. And the reason I say that is in 1945 an honorary American named Winston Churchill that the war was won on the playing fields of Eton. Well, what did he mean by that? What he meant by that was we expect our young people in school to get their first inkling about what leadership is about, what teamwork is about, and what integrity is about. And young men like this take that first inkling and they hone it through competitive athletics.

Now, these guys don't do their work on a field, they do it out a sheet of ice. And they do it very well. This is a team with a remarkable record, 26 wins -- 22 wins consecutive. The only person in this chamber who can boast of 22 consecutive wins is Senator John Marchi. And those of us down here, guys, know what a champion we're comparing you to.

This team exemplifies the very

best: individual achievement combined with teamwork, an understanding of competition combined with an understanding of cooperation.

And this team exemplifies what great communities are all about. Because, boy, the Whitesboro community really turned out to cheer these guys on.

And so, Madam President, I'm pleased to move adoption of the resolution and to present to the body the pride of Whitesboro and of the Mohawk Valley, the Whitesboro Boys Hockey Team.

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

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, there's a privileged resolution at the desk by Senator DeFrancisco. If we could have the

title read and move for its immediate adoption.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: By Senator DeFrancisco, Legislative Resolution Number 1049, honoring the Business Club students of Solvay High School for their participation in the 50th Senate District's "Good News! Good Kids!" Youth Responsibility Program.

ACTING PRESIDENT McGEE: Senator DeFrancisco.

SENATOR DeFRANCISCO: I rise to congratulate the Solvay High School Business Club and their teacher, Muriel Sullivan -- and the students that are here are Katie Gardner, Nicole Nash, Tammy Case, Stephanie Potoczak, Gary Santorelli, Erin Maloney, Kristina Kostine, Nina Lenweaver, Katelynn Grim, and Patricia Bonemio -- for the fine work they've done participating in this program.

We started it many years ago. And we honor people in our district that do good things for our community. And the funds you've raised for people less fortunate are

really something you should be very, very proud.

Unfortunately, we read very often bad things about young people. And the good things that you do ought to be recognized. And that's why you're here today being honored by this body.

And, like Senator Meier, I do want to say that it's only appropriate that you were here today to witness one of the finest days that we have this year, honoring our cadets from West Point.

And it has particularly important meaning in this day and age in view of what's happening in the world scene. And as was mentioned earlier, which is extremely important, some of the cadets that were here a couple of years ago are now in combat.

So you have shown your character, and I'm sure you're also going to be the leaders of tomorrow. And I'm proud and pleased that you're members of the 50th Senate District. And best of luck in the future.

ACTING PRESIDENT McGEE: The question is on the resolution. All in favor

will signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, I believe there's a substitution at the desk, if we could make it.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: On page 4, Senator Hoffmann moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 1585 and substitute it for the identical Senate Bill Number 184, First Report Calendar 352.

ACTING PRESIDENT McGEE: Substitution ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could go to the noncontroversial reading of the calendar.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 229, by Senator Velella, Senate Print 2620A, an act to amend the Labor Law, in relation to self-employment assistance program.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 252, by Senator Hoffmann, Senate Print 2127, an act to amend the Public Officers Law, in relation to the qualification for holding the office of deputy sheriff.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 279, by Senator Kuhl, Senate Print 1978, an act to amend the Alcoholic Beverage Control Law, in relation to certain licenses.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 282, by Member of the Assembly Gromack, Assembly Print Number 1401, an act to amend the Volunteer Firefighters Benefit Law, in relation to enacting the Good Samaritan

Volunteer Firefighters Assistance Act.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Hassell-Thompson recorded in the negative.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 287, by Member of the Assembly Sweeney, Assembly Print Number 4887A, an act to amend the Local Finance Law, in relation to temporary alternative methods.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT McGEE: The bill is passed.

THE SECRETARY: Calendar Number 308, by Senator Meier, Senate Print 1825, an act to amend the Domestic Relations Law, in relation to notification concerning orders of support.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT McGEE: The bill is passed.

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

SENATOR SKELOS: Madam President, would you please recognize Senator Hassell-Thompson.

ACTING PRESIDENT McGEE: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

I wish to rise to request unanimous consent to be recorded in the positive on Calendar Number 282.

ACTING PRESIDENT McGEE: The Secretary will note. Thank you.

SENATOR HASSELL-THOMPSON: Thank you.

ACTING PRESIDENT McGEE: Senator Skelos.

SENATOR SKELOS: Madam President, I believe that completes the regular calendar.

If we could return to reports of standing committees for a report of the Finance Committee.

ACTING PRESIDENT McGEE: Reports of standing committees.

The Secretary will read.

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

Senate Print 3775A, by Senator Velella, an act to amend the Executive Law and the State Finance Law.

ACTING PRESIDENT McGEE: Without objection, the bill is ordered directly to third reading.

Senator Skelos.

SENATOR SKELOS: Madam President, if you would take up Calendar Number 403 at this time.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 403, by Senator Velella, Senate Print 3775A, an act to amend the Executive Law and the State Finance Law, in relation to terms and conditions.

SENATOR SKELOS: Madam President, is there a message of necessity and appropriation at the desk?

ACTING PRESIDENT McGEE: There is a message of necessity and appropriation at the desk.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT McGEE: All in favor of accepting the message of necessity and appropriation will answer aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, say nay.

(No response.)

ACTING PRESIDENT McGEE: The message is accepted.

Senator Skelos.

SENATOR SKELOS: Read the last section, please.

ACTING PRESIDENT McGEE: Read the last section.

THE SECRETARY: Section 27. This act shall take effect immediately.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, is there any housekeeping at the desk?

ACTING PRESIDENT McGEE: No, there is none.

SENATOR SKELOS: Would you please recognize Senator Schneiderman.

THE SECRETARY: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President. I believe that there's a motion at the desk. I would request that I be heard briefly in support of the motion.

If you could please recognize Senator Duane before we begin.

ACTING PRESIDENT McGEE: Thank you.

Senator Duane.

SENATOR DUANE: Thank you, Madam President. If I may have unanimous consent to be recorded in the negative on Calendar Number 282.

ACTING PRESIDENT McGEE: Without objection.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Yes. I think Senator Duane is not quite finished, though.

ACTING PRESIDENT McGEE: Oh. Senator Duane? Senator Duane is finished.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you,

Madam President.

This is a motion to bring to the floor a bill which has been before this house for several years, which I find it frankly unconscionable that we have not brought to the floor and passed.

This would simply require that every hospital room that treats rape survivors provide emergency contraception to those rape survivors. A survey conducted by New York NARAL revealed several years ago that less than 50 percent of the hospital emergency rooms in this state make available emergency contraception to rape survivors.

Emergency contraception has been available for 25 years. It is safe, it is effective, it prevents pregnancy. There is no medical reason why it cannot be made available.

And because it is a time-sensitive medical treatment, in the sense that the longer you wait to receive the treatment, the more likely you are to become pregnant, its absence from hospital emergency rooms unquestionably results in rape survivors

becoming pregnant against their will every year here in the State of New York.

We have attempted to resolve this by dealing with the Department of Health, by getting regulations enacted. The Governor thus far has not seen fit to take action. And it is incumbent on us to pass legislation to address this travesty.

If you are pro-choice, you should be in favor of this bill. Even if you're anti-choice, you should be in favor of this bill. I cannot think of a more devastating act of the government of the State of New York than to have as our policy, in place in our regulations, a system by which hospital emergency rooms are authorized by the state to treat rape survivors and yet they are permitted to refuse to make available emergency contraception.

No one is forcing anyone to use the product if it conflicts with their religious convictions. But we're causing many, many women to become pregnant every year against their will after suffering the trauma of rape. I cannot think of any possible argument --

moral, ethical, or legal -- against this.

I urge everyone to vote yes, that we bring this bill to the floor and enact it into law this year.

Thank you.

ACTING PRESIDENT McGEE: All those Senators in favor of the petition out of committee please signify by raising your hand.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Breslin, Brown, Dilán, Duane, Hassell-Thompson, L. Krueger, Montgomery, Onorato, Parker, Paterson, Sabini, Schneiderman, A. Smith, M. Smith, and Stavisky.

ACTING PRESIDENT McGEE: The petition is defeated.

Senator Skelos.

SENATOR SKELOS: Madam President, there being no further business to come before the Senate, I move we stand adjourned until Monday, April 7th, at 3:00 p.m., intervening days being legislative days.

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

days being legislative days.

(Whereupon, at 12:10 p.m., the Senate adjourned.)