NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 30, 2003

3:10 p.m.

REGULAR SESSION

SENATOR THOMAS P. MORAHAN, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MORAHAN: The Senate will come to order.

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

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

ACTING PRESIDENT MORAHAN: Today our invocation will be given by the Reverend Peter G. Young of the Blessed Sacrament Church of Bolton Landing.

Reverend.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

When we meet in session, sometimes we stop listening and use our own communication skills to advocate for owning our constituents' agenda. God, You want us to communicate with respect and care to each other and to every Senator in this chamber, so we might show our New York State citizens and constituents our example of togetherness for the common good of New York State.

Help us to have open ears and

hospitable minds as we listen, share and build community instead of disunity for New York State citizens. We ask You this in Your name now and forever.

Amen.

ACTING PRESIDENT MORAHAN: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, April 29, the Senate met pursuant to adjournment. The Journal of Monday, April 28, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MORAHAN: 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 McGee.

SENATOR McGEE: Thank you, Mr.

President.

On page number 31 I offer the following amendments to Calendar Number 462, Senate Print Number 3827, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MORAHAN: The amendments are received and adopted, and the bill will remain in its present position on the calendar.

SENATOR McGEE: Thank you, Mr. President.

Mr. President, on behalf of Senator Volker, please place a sponsor's star on Calendar Number 111.

ACTING PRESIDENT MORAHAN: The bill will be starred.

SENATOR McGEE: Thank you, Mr. President.

And, Mr. President, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause:

Bill Number 2102, on behalf of Senator Marcellino.

ACTING PRESIDENT MORAHAN: So ordered.

SENATOR McGEE: Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Seward, I wish to call up his bill, Senate Print 3467, which was returned from the Assembly, which is now at the desk, if the Secretary will read it.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 348, by Senator Seward, Senate Print 3467, an act to amend the Insurance Law and others.

SENATOR FARLEY: Mr. President, I now move that the Senate not concur in said amendments and move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

SENATOR FARLEY: The bill is now on third reading. Mr. President, I further move that this bill be recommitted to the Committee on Insurance.

ACTING PRESIDENT MORAHAN: So ordered.

Senator Brown.

SENATOR BROWN: Thank you, Mr. President.

On behalf of Senator Lachman, I move that the following bill, Senate Print 4655, be discharged from its respective committee and be recommitted with instructions to strike the enacting clause.

ACTING PRESIDENT MORAHAN: So ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, are there any substitutions at the desk?

ACTING PRESIDENT MORAHAN: Yes, there is.

SENATOR SKELOS: I ask that they be made at this time.

ACTING PRESIDENT MORAHAN: The

Secretary will read.

THE SECRETARY: On page 4, Senator Rath moves to discharge, from the Committee on Judiciary, Assembly Bill Number 7487 and substitute it for the identical Senate Bill Number 4508, First Report Calendar 520.

On page 7, Senator Golden moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 5790 and substitute it for the identical Senate Bill Number 3975, First Report Calendar 549.

And on page 9, Senator Marcellino moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 6988 and substitute it for the identical Senate Bill Number 3522, First Report Calendar 572.

ACTING PRESIDENT MORAHAN: The substitutions are ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a privileged resolution at the desk by Senator Fuschillo. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: By Senator Fuschillo, Legislative Resolution Number 1453, commending outgoing Chief James Johnston for his ceaseless, dedicated service to the Wantagh Fire Department.

ACTING PRESIDENT MORAHAN: All in favor of the resolution will signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a privileged resolution at the desk by Senator Breslin. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: By Senator Breslin, Legislative Resolution Number 1431,

commemorating the 120th Anniversary of Congregation Beth Abraham-Jacob of Albany, New York.

ACTING PRESIDENT MORAHAN: All in favor of the resolution will signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, there are three resolutions at the desk by Senator Krueger. If we could have the titles read and move for their immediate adoption.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: By Senator Liz Krueger, legislative resolution honoring Kathy Goldman upon the occasion of her designation for special recognition by the Community Food Resource Center on May 1, 2003.

By Senator Liz Krueger, legislative

resolution honoring Agnes Molnar upon the occasion of her designation for special recognition by the Community Food Resource Center on May 1, 2003.

And by Senator Liz Krueger, legislative resolution honoring Patricia Caldwell upon the occasion of her designation for special recognition by the Community Food Resource Center on May 1, 2003.

ACTING PRESIDENT MORAHAN: All in favor of the resolutions signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The resolutions are adopted.

Senator Skelos.

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

ACTING PRESIDENT MORAHAN: There will be an immediate meeting of the Rules

Committee in the Majority Conference Room.

Senator Skelos.

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

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 419, by Senator Kuhl, Senate Print 3412, an act to amend the Highway Law, in relation to establishing.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 433, by Senator Saland, Senate Print 480, an

act to authorize the Union Vale Fire District to contract with a community ambulance service.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 439, by Senator Skelos, Senate Print 2659, an act authorizing the assessor of the County of Nassau to accept an application.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 440, by Senator LaValle, Senate Print 2743, an act to amend the Town Law, in relation to exemption.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 449, by Senator Volker, Senate Print 608, an act to amend the Penal Law, in relation to the

issuance of junior licenses.

ACTING PRESIDENT MORAHAN: Read the last section.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MORAHAN: Lay it aside.

THE SECRETARY: Calendar Number 454, by Senator Morahan, Senate Print 3048, an act to amend the Penal Law, in relation to providing certain criminal penalties.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of November.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number

475, by Senator Leibell, Senate Print 2069A, an act in relation to creating the Pound Ridge Library District.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 8. This act shall take effect immediately.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 476, by Senator Farley, Senate Print 2555, an act to amend the Town Law, in relation to including the Empire State Chapter Number 120 of the Retired Enlisted Association.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 521, by Senator Mendez, Senate Print 2638A, an act to amend the Workers' Compensation Law, in relation to the penalty.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MORAHAN: The bill is laid aside.

THE SECRETARY: Calendar Number 522, by Senator Mendez, Senate Print 2683A, an act to amend the Workers' Compensation Law, in relation to the provision of claim forms.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MORAHAN: Lay it aside.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President.

ACTING PRESIDENT MORAHAN: That

completes the reading of the noncontroversial calendar.

SENATOR KUHL: Could we now have the controversial reading of the calendar.

ACTING PRESIDENT MORAHAN: Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. We'd like to announce that there will be an immediate meeting of the Senate Finance Committee in the Majority Conference Room.

ACTING PRESIDENT MORAHAN: There will be an immediate meeting of the Senate Finance Committee in the Majority Conference Room.

The Secretary will read.

THE SECRETARY: Calendar Number 449, by Senator Volker, Senate Print 608, an act to amend the Penal Law, in relation to the issuance of junior licenses.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MORAHAN: Senator Volker, an explanation has been requested.

Whenever you're ready, Senator

Volker.

SENATOR VOLKER: Okay. I just wanted to wait until things settled down a little.

This is a bill that deals with the --

ACTING PRESIDENT MORAHAN: Keep the conversations outside the chamber, please.

SENATOR VOLKER: This is a bill that deals with an issue that frankly was supposed to be dealt with when we did a gun bill some years ago and changed the licensing requirements. Which, you know, was a somewhat historic attempt to match federal requirements and so forth on guns.

And the issue here is a junior license. It allows a person between the ages of 14 and 20 to undergo firearms training and target practice, shooting competition, and so forth.

This does not allow a person who is under 21 years of age to possess or carry a gun. What it does, however, is allow a person to lawfully train with a gun as long as that person is involved with a parent, guardian, or

person who has the right to possess and train with a weapon. It does not allow this licensee to own a pistol. It is not a license to carry a weapon.

This has created a great deal of stir because it involves probably the most restrictive junior license situation in the country. Most states allow target shooting and the ability to fire weapons under 21 years of age.

In fact, the law here before we passed the statute that raised the age limit to 21 actually was not 18, as some people thought it was. It wasn't 16. There actually was no law. All it said was that a pistol permit could be given to someone, and the general statute was allowed at 18. But technically speaking, there was no actual age limit for someone to apply for a gun permit.

Many of the people, young people in this state who used to participate in Olympic shooting and in various pistol events in colleges and the various events across the country, and in fact sometimes international, technically cannot participate because it is

technically illegal to even handle a gun for someone under 21 years of age.

There is, obviously, some violation of this statute, because there still are people who participate in other states. But it really does make sense.

The one thing I did notice about this bill -- which, by the way, came to me from the Assembly -- is there is a provision in this bill which was supposed to say that a local licensing agent could not change the rules on junior licenses. However, the bill says that you can't change any license.

I realize -- and by the way, you're going to get a bill like that shortly, because I think it's Senator Johnson has a bill that rumor has it may be on next week's Codes agenda. But it has been suggested to me, and I frankly didn't realize -- and I'm being as honest as I usually am. I should probably tell you that I knew exactly what was in this bill. But when we really looked at the bill, thanks to one of your staff people, we realized that it does have a provision in it that extends not only to junior licenses but

also to general licenses in general.

So, Senator Paterson, in keeping with our new process here of coming up with ways to pass bills, I would suggest to you that I would be more than willing to take the provision out of this bill that says it applies to all licenses and let it apply just to junior licenses. And if that would make you happier, I'd be happy to do that.

ACTING PRESIDENT MORAHAN: Thank you, Senator Volker.

Senator Paterson.

SENATOR PATERSON: Mr. President, I'm shocked. You don't know the exhilaration I feel to be here for 18 years and finally get this offer. It's like nirvana for me.

That was the concern that we had, the part in Section 1 where it says that a local licensing agent cannot impose any restrictions on the licensee otherwise expressed by law. That is a problem in New York City.

And one of the reasons that New York City expressed their opposition in a memo -- [sound of telephone] -- that's my

biographer calling. The reason that New York City opposed the bill was exactly for that reason, Mr. President. And obviously we would advise the city, who was concerned about the number of licenses issued, concerned about the types of guns that are used, we would look differently on that.

And we in all seriousness very happily accept Senator Volker's offer. He has been most cooperative to all of us and really tries to listen and understand some of our criticisms. And we finally persuaded him of one. So it's a day I'll remember here in the Senate.

But quite seriously, the City of New York really would appreciate it, Mr. President, if Senator Volker would take a second look at that.

SENATOR VOLKER: Mr. President, I'm going to star this bill for the time being, because we will amend it just to include the junior licenses.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

The bill is starred at the

sponsor's request.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 521, by Senator Mendez, Senate Print 2638A, an act to amend the Workers' Compensation Law, in relation to the penalty for failure to post.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MORAHAN: Senator Mendez, an explanation has been requested.

SENATOR MENDEZ: Mr. President, today the bill that we're considering is -- 2683? Which one is it? 2638.

Basically what this bill does is that it would place a fine of up to $250 if an employer in a firm fails to post notices to the farmworker about the right to workmen's compensation.

I really think that at this point it's very important to go to deal with a little bit of history. We all know that during the Depression, the New Deal, it was the first time that all the workers in the United States, they really -- the rights and

protections were granted by the federal government. Like, for example, in the National Labor Relations Act. The only group that was not included in that -- in those -- to ensure protection were the farmworkers.

Why did that occur? Precisely because in the first initial bill, drafted in 1935, it included the farmworkers. But at the time, the lobby of agribusiness -- well, everybody was told that the cost of transportation and mechanical agriculture were expensive. So in the final version of that bill that gave the right to bargain to the workers, the farmworkers were excluded.

But the interesting thing to me is yes, all the workers in the United States did in fact get a new deal, but the farmworkers got a raw deal. And who gave the farmworkers a raw deal? A Congress, a House of Representatives that was overwhelmingly Democratic at the time. A U.S. Senate that also was overwhelmingly controlled by the Democratic Party. With a president also from the Democratic Party. They excluded the farmworkers from those protections.

Then it was left all to the states to decide what to do to redress that unfairness. In New York State, consistently, we have been able to exclude the farmworkers in terms of providing to them the rights and protections, because in the definition of what an employee is, as it refers to services in a farm, they were excluded.

Here in the Senate we've been trying very hard. And I must say that the reason -- even though I do not have any farmworkers in my district, the reason why I have taken up their cause is because we live in the greatest country of the entire world and we believe in equal treatment for all. And it upsets me enormously that the farmworkers are being treated as second-class citizens. When we provide subsidies to the farmers, we do not give the barest protection to the farmworkers.

So this is a bill that will establish a little parity with other workers, my God, for the farmers to post signs advising the farmworkers that they would be entitled to workmen's compensation. It is not a big

thing, but it makes parity with that same situation with other workers.

I hope that -- I know that all the men and women who serve in this Senate are true Americans and they really believe in equal rights of everybody. So I assume that all of us here will unanimously vote for this bill, because we will be starting in -- we are starting in redressing some things that should have been redressed a long time ago.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Senator Paterson.

SENATOR PATERSON: Mr. President, the explanation is satisfactory.

ACTING PRESIDENT MORAHAN: Any other Senators wish to be heard on this bill?

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MORAHAN: The bill is passed.

THE SECRETARY: Calendar Number 522, by Senator Mendez, Senate Print 2683A, an act to amend the Workers' Compensation Law.

SENATOR LIZ KRUEGER: Explanation.

ACTING PRESIDENT MORAHAN: Senator Mendez, an explanation has been requested.

SENATOR MENDEZ: This second bill, what it basically does is that if a farmworker gets injured on the job, then the foreman or the laborer contractor must advise the employer about the farmworker that was -- the injury that the farmworker suffered. Then the employer has three days to provide to the farmworker the claim forms that that person needs to start receiving workmen's compensation.

Again, if the employer does not abide by this, then fines of $250 will be levied against the employer.

Again, it is not the greatest bill

in the whole world, but it is a start in dealing with situations at work that affect enormously people who are dedicated to plant our food, harvest our food, and that they are entitled to safe conditions at work and to equal treatment like all the other workers in the state of New York.

I hope that all my colleagues here will in fact support this bill. Thank you.

ACTING PRESIDENT MORAHAN: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If, through you, the sponsor would yield to a question.

ACTING PRESIDENT MORAHAN: Senator Mendez, will you yield for a question?

SENATOR MENDEZ: Yes.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR LIZ KRUEGER: Thank you. Thank you, Mr. President.

Senator Mendez, do you think your bill goes far enough to help farmworkers? I appreciate both the bills you've brought to us today. But do you truly believe this is

really what the farmworkers need and what they've marched here to Albany today to ask us for?

SENATOR MENDEZ: You know, Senator Krueger, there was a span of time of many, many years when not one single bill redressing the inequities for farmworkers ever saw the light of day in this chamber. It was very recently, just five or six years ago.

I will tell you, no, it doesn't go far enough. But there is an omnibus bill that the reason why I have not tried to get it out of committee, you know what it is? Because it has to be refined a little bit more.

For example, since what we want is parity, the omnibus bill that you're probably referring to would require fines to be up to $500. I amended the previous two bills that originally had $500 as a fine, I amended them to $250 so it would be exactly the same amount in the fine to be paid that it is for other workers as well.

So that that other bill that everybody loves so very much and that is also my bill -- I should say our bill, because all

of us believe in social justice -- has to be cleaned up a little bit.

So, yes, I agree that this doesn't go far enough. I wish we were talking about the omnibus bill, because that would bring us true parity.

You know, at times -- Senator Krueger, you know what I think? It's a fascinating thing when we look back and we try to interpret history. It bothered me, this inequity, first it bothered me enormously that how, originally, the problem how the Congress of the United States and a great president, all Democrats, how could they at the time, you know, give a new deal to all the workers in the United States except the farmworkers.

And you know what? I figured why did they do that, besides the strength of the lobbyists of the agribusiness. But, you know, it may be coincidence. At the time -- it is very fascinating. At the time, the farmworkers were African-American. And at the time there was not any civil rights movement. Now the majority of the farmworkers, you know who they are? They are Spanish-speaking

people from Honduras and South America, mainly from Mexico.

So it doesn't go far enough as I would like to and you would like to and all of us here would like to. But at least we're making a little bit of progress in an area where there were years and years and years when nothing, nothing was done about it.

And I must say, I must say that I appreciate enormously working with Assemblywoman Nolan. Since day one, she has been there supporting this cause. And also with Senator Bruno, because he has been very cooperative in the whole endeavor.

So the ending is -- with this bill passing, it's not going to be the end of it all. We have to work some more, but we have to be optimistic. And you have to keep the eye on the prize.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you. I believe that there is an amendment at the desk, a Calendar 522, S2683 amendment. And I

would waive reading and ask to be heard on my amendment.

ACTING PRESIDENT MORAHAN: The reading is waived, and you can speak on the amendment.

SENATOR LIZ KRUEGER: Thank you very much.

I do appreciate Senator Mendez's highlighting the fact that she had an omnibus bill and it went farther. And in fact, I would argue it too doesn't go far enough, but it is surely the minimum we should be doing here today on the floor of the Senate.

So I have introduced an amendment to the Senator's bill that in fact is the Senator's previous bill, 3351, an omnibus bill to address parity for migrant farmworkers and their rights.

In Section 3 of my amendment, it would require every farm laborer to be allowed 24 consecutive hours of rest every week, which might be voluntarily refused by the employee.

Can you imagine that if you were a farmworker today in New York State you don't have the right to have one day off per week?

It violates people's religious needs, it violates common sense to require that workers must work seven days a week or lose their jobs.

In Section 6 and Section 7 of my amendment it would require that eight hours shall constitute a legal day's work, with overtime being paid at one and a half times the worker's normal wage rate for above eight hours a day.

In Sections 11 and 12 of this amendment we would guarantee the rights of collective bargaining to farm laborers. They have no right to organize or to negotiate for themselves as other workers throughout this state have. There is no parity.

In Section 13, we'd ensure that there would be a sanitary code that would be applied to all farm and food processing labor camps intended to house migrant farmworkers. I'm afraid there are too many stories about the horrendous situations that farmworkers find themselves in, living in unsanitary, unsafe, and unhealthy labor camps, with their children and their belongings with them.

In Section 15 of my amendment, I would include all of the sections of Senator Mendez's bill today, S2683, because I do not disagree with her proposal to offer claim forms to employees who are injured on the job. But that is a bare minimum and not satisfactory.

And as Senator Mendez highlighted, she said it was Democrats in Congress who failed to do the right thing. And I would argue that here we are, Republicans sponsoring this bill and Democrats supporting this bill but adding more, an amendment that goes further. And that that's exactly what we should do here today on the floor of the Senate. We should take my amended version of Senator Mendez's bill, her own bill previously, and pass that.

And I would argue that today is the historic day to do this, because today is the day that farmworkers are marching on Albany from as far as 330 miles away, representing 50,000 farmworkers in New York State -- as the Senator highlighted, the majority of whom are Hispanic.

The amendment we are offering today would, if passed, if her bill with my amendment was passed -- and I would give her all credit if we passed the whole package today -- would in fact address the things that the farmworkers are begging from us today outside of these halls. The reason that they have marched to Albany is to demand the right to have collective bargaining, an eight-hour workday, a day off of rest, that their work sites follow health and safety standards.

This amendment -- and as Senator Mendez knows, because she said it herself -- would create an even playing field for farmworkers and parity with other workers. These are the employees in New York State who need our protection. They work in our fields. They're already often marginalized in our society.

We've set up a two-tiered system of separate but unequal laws for farmworkers and other workers in this state. No one in this chamber, regardless of the party, can believe that that's a just and fair system.

These individuals need our

protection. I believe it is unconscionable to allow the system to continue as is, imagining no day off per week for the right to worship or rest, no overtime pay, no OSHA standards. It's the equivalent of endorsing sweatshop labor in our farm fields.

We have addressed some very important concerns in recent years. We granted the farmworkers the same minimum wage and the right to drinking water and toilets in the fields. Can we imagine we had to fight to get drinking water and toilets? We need to end this piecemeal approach and vote for the amended version of the Senator's bill to ensure that farmworkers have equal protections and equal rights as workers in the State of New York.

I know that is what the people who have marched on Albany today need, what they expect, and what they deserve. This is about their dignity and their rights as workers in our state. They've come 330 miles to ask us for this. I urge all of my colleagues to support my amendment and then pass the Senator's bill through in its amended format.

Thank you very much.

ACTING PRESIDENT MORAHAN: Thank you, Senator Krueger.

All those in favor of the amendment please signify by raising your hands.

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

ACTING PRESIDENT MORAHAN: The amendment is lost.

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

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

SENATOR KUHL: Yes, Mr. President. Could we return to the order of motions and resolutions.

I understand that there's a privileged resolution by Senator Saland at the desk. Could we ask that the title of that be read, and I move for its adoption.

ACTING PRESIDENT MORAHAN: We will return to motions and resolutions.

There's a privileged resolution by Senator Saland.

The Secretary will read the title.

THE SECRETARY: By Senator Saland, Legislative Resolution Number 1468, commending the members of the Berkshire Bulldogs Basketball Team upon the occasion of their designation for special honor at the Annual Interscholastic Banquet on April 30, 2003.

ACTING PRESIDENT MORAHAN: The resolution is before the house. All those in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The resolution is adopted.

Senator Kuhl.

SENATOR KUHL: Could we now go to reports of standing committees.

I understand there's a report of the Rules Committee at the desk. I ask the Secretary to read that.

ACTING PRESIDENT MORAHAN: The Secretary will read.

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

Senate Print 4864, by the Senate Committee on Rules, an act to amend the Tax Law.

ACTING PRESIDENT MORAHAN: Senator Kuhl.

SENATOR KUHL: Move we adopt the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Nays.

(No response.)

ACTING PRESIDENT MORAHAN: The report is adopted.

SENATOR KUHL: Mr. President, is there a report of the Finance Committee at the desk?

ACTING PRESIDENT MORAHAN: Yes, there is.

SENATOR KUHL: If we could have that read.

ACTING PRESIDENT MORAHAN: The Secretary will read.

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

Senate Print 1403B, Senate Budget Bill, an act making appropriations for the support of government and to amend a chapter of the Laws of 2003.

ACTING PRESIDENT MORAHAN: The bill is reported directly to third reading.

Senator Kuhl.

SENATOR KUHL: Yes, could now we take up Calendar Number 596. It's the bill

that came out of Rules.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 596, by the Senate Committee on Rules, Senate Print 4864, an act to amend the Tax Law, in relation to authorizing the County of Sullivan.

ACTING PRESIDENT MORAHAN: Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Could we take up Calendar Number 585 now.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 585, Senator Johnson moves to discharge, from the Committee on Finance, Assembly Bill Number 2103B and substitute it for the identical Senate Bill Number 1403B, Third Reading Calendar 585.

ACTING PRESIDENT MORAHAN: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 585, Assembly Budget Bill, Assembly Print Number 2103B, an act making appropriations for the support of government and to amend a chapter of the Laws of 2003.

ACTING PRESIDENT MORAHAN: Read the last section.

SENATOR MONTGOMERY: Explanation.

ACTING PRESIDENT MORAHAN: Senator Johnson, an explanation has been requested.

SENATOR JOHNSON: This bill appropriates money for education, labor, and family assistance agencies, bringing a total of $14.4 billion. In general support for public schools, that's an increase of

$1.1 billion. Over $410 million in higher education restoration, including full restoration of TAP. $40 million to other labor and family assistance agencies. Private colleges, $18.7 million, Bundy aid; $4.9 million in merit and Regents scholarships. Community-college-based aid, a $2,300 increase in the community college aid, and so forth, which were reduced by the Governor, and so other additions and so forth for the disadvantaged.

ACTING PRESIDENT MORAHAN: Thank you, Senator Johnson.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President, I just want to thank Senator Johnson for that explanation.

And I think that it's been a very difficult time trying to come up with a resolution that I believe is the best that we could possibly do for the constituents in our state, for the people who depend on us to work out some agreement that we can hopefully live with, that we don't lose so much of the infrastructure of the important programs in

our state -- higher education, health, education. So I'm pleased.

I just have one question for Senator Johnson, if he will yield.

ACTING PRESIDENT MORAHAN: Senator Johnson, do you yield for a question?

SENATOR JOHNSON: Yes, Mr. President.

SENATOR MONTGOMERY: Senator Johnson, you know, one of the areas that many of us are concerned about -- I know, I'm sure that you are as well as many of us on this side and the other side, your side of the aisle -- STEP and C-STEP, would you explain what happens with that one more time?

Because I just want to make sure I understand what is happening with that. That's the one small thing that it seems that we were only restoring half of the funding for that. But am I misunderstanding what is happening?

SENATOR JOHNSON: Yes, Senator. The $5 million which is in there is the fiscal year, balance of the fiscal year. But the full-year restoration is $10 million. So

those programs will continue as before.

SENATOR MONTGOMERY: Okay, thank you.

ACTING PRESIDENT MORAHAN: Senator Montgomery.

SENATOR MONTGOMERY: Again, thank you. And I'll be voting yes on this budget, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Any other Senator wish to be heard?

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If the sponsor would yield to a question.

ACTING PRESIDENT MORAHAN: Senator Johnson, will you yield for a question from Senator Krueger?

SENATOR JOHNSON: Yes, Mr. President.

SENATOR LIZ KRUEGER: Thank you, Senator.

I too have to say that while I appreciate what a difficult set of situations we are in -- and we are all, of course, being

attacked from the outside for even considering going as far as we are in restorations on education -- I have to ask, were there any other options that were considered to avoid a $950 increase in tuition for CUNY and SUNY?

I heard your explanation to Senator Montgomery. I know that the protection of TAP and the restoration of the final third of TAP that in the Governor's budget he cuts out will help enormously and will result in some of the lowest-income students for CUNY and SUNY not having to absorb that.

But I was just curious whether there is anything else we could do at the last minute to avoid 28 percent increases in our CUNY and SUNY tuition rates. Because I am so fearful of the fact that we will have thousands of students who will no longer able to afford college in any of our districts. And is there any other possibility that we could do something more, today or beyond this bill, to address that?

SENATOR JOHNSON: Well, there was no way to get additional money into the educational systems, CUNY and SUNY, without

that increase. And as you know, that was a lower increase than the Governor requested.

So we think that the committee, all in all, has done their best in both houses, really, to make a balanced presentation -- school aid, aid for individuals, college aid, and so forth. And this is the best solution we could come up with, quite frankly.

Thank you.

ACTING PRESIDENT MORAHAN: Thank you, Senator Johnson.

Senator Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. On the bill.

ACTING PRESIDENT MORAHAN: Senator Krueger, on the bill.

SENATOR LIZ KRUEGER: Thank you.

I want to highlight some of the things that are in this bill that I think is important for the public and all of us to be aware of. We're being asked to vote very quickly. We're being asked to vote on these bills in very difficult fiscal situations.

Yesterday I voted against both budget bills because we didn't know anything

about our revenue situation. Today, at least since last night, we've had an opportunity to review the proposed revenue package.

And the fact is that there are people on the outside, there are press, there's a governor who believe that we are being irresponsible by making these restorations to education. But I have to say I believe just the opposite, that it would be irresponsible for us not to be making the restorations we are making.

And I would still argue that this is not a budget bill for education, labor, and family assistance that any of us would truly want if we were writing it ourselves in a perfect world.

Because if we don't do the restorations in this bill, not only will we see the increased tuition above and beyond $950 that Senator Johnson just articulated the Governor had proposed, we would see a loss for our SEEK program of $7.3 million. We would see an additional loss of almost $15 million to our community-college-based aid in the City University.

We are, despite these restorations, still going to have to live with an almost $82 million reduction of operating aid to the CUNY system, and I think an equivalent number, if not higher, to the SUNY system.

We, despite the restorations today, are still not providing the level of funding for our public education system, K through 12, that we ought to. Putting us, in my opinion, further behind our commitments to assuring that our children grow up, graduate, and have the skills to move into our economy in the 21st century.

We are, happily -- happily, I say -- going to restore the funding for universal pre-K, keep us on track for smaller school size, school class reduction, avoid some of the worst cuts that the Governor proposed for our public school system. I'm also pleased to see that we have reversed some of the Governor's proposals for the Department of Labor as well as for Temporary and Disability Assistance.

So again, it is not a great budget bill. It is not a budget bill for education,

labor, and family assistance that I think any of us should say was the ultimate bill. It's a bill I am uncomfortable with because there is in fact not enough being done for education.

And I worry very much about the ability of students in my city to continue, to go into CUNY and to graduate in a timely way. Because they're already working and going to school, and will they be able to work enough additional hours to pay the tuition hikes and still be able to keep up with their studies and graduate?

So I hope that we will revisit the tuition issue in some other context as the days go on and do whatever we can to try to assure that no child in New York State goes without the public education they deserve, K through 12, and the opportunity to complete our public college system. Because our employers are telling us they need people with college degrees. We need to be able to make sure the young people in our state can get those college degrees.

So I will vote yes today, but I

know that the business here is not done yet on these issues.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator Krueger.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. Just one moment on the bill.

Senator Krueger has talked about the fact that this bill certainly does not go as far as perhaps we need to go in the areas of education and healthcare. But what I would like to say, I want to commend the courage that it has taken for us to do this restoration.

And I know that over these next few weeks as we battle to complete the budgetary process, we still will be able to say to some of our constituents that we have begun the process of restoring to them the services that they expect that we will provide in the State of New York.

It has been very difficult to tell our constituents that 9/11 has had such a

tremendous impact. It has been very difficult to tell our constituents that the economic downturn that has occurred in our community has caused them to lose services.

But I certainly am very pleased to be able to say to those in our naturally -- to our programs that this money is going to be restored. I am very pleased to say that in the Bronx that we're not going to be closing our mental health facilities. I am very pleased to be able to say to our children that we have at least made a first step toward restoring some of their educational needs.

And certainly for those who have been my supporters over the years in Head Start and daycare, I am very pleased to be able to say that we have restored money for those very well needed services.

So yes, we need to go forward. But I want to commend us for the courage that it has taken to take this step.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

Yesterday I voted no for those two budget bills because the revenue sources were not presented to us. Today we have been informed what the projected revenues are. I was delighted to see that the financial aid programs have been restored, the opportunity programs, the SEEK and the TAP and so on.

However, the increase of nearly 30 percent in tuition has me very, very troubled. I think this is the wrong direction to go, to have CUNY tuition go up to $4,150 per child and CUNY to go up to $4,350 per child.

New York State has become the 15th most expensive place to get an education at a public college. And when it comes to the two-year community colleges, we rank number sixth in the nation.

The cost of a college education is becoming prohibitive. And unfortunately, the burden is falling upon the students. The fees, another aspect of the costs that the students have to bear, have gone up

128 percent over the last eight years.

In the last ten years, New York State's share of the cost of higher education has only increased by approximately one-third, while nationally the states have a contributed increase of approximately 60 percent.

So this, to me, is the wrong direction. We are placing more and more burden on the actual students themselves.

Now, let's remember that not every student receives a TAP award. Part-time students don't get TAP. After you complete eight semesters, you no longer are eligible for TAP assistance. And not every student can complete college in four years. We have more and more people working, we have more and more people forced to borrow money to attend college.

Lastly, middle-income people. And more and more people are falling in this classification. And they're going to -- if somebody earns $40,000 a year, the TAP award is going to be $730, forcing the student to pay $3,620 at a SUNY institution. And for upwardly mobile immigrant families, this is

becoming a burden.

Now, the other point I want to make is that the last time we raised tuition, in 1995, over the two-year period we lost 30,000 students in the SUNY and CUNY educational system. Did these students go to private colleges? No. They just did not go to college.

And we lost more than just their productivity, the higher income that they would be earning, the taxes that they would be paying. These students were victims of what I think are another form of the job-killing taxes. And by raising tuition in the City University and in the State University by $950, not only is this a job-killing tax, but I think, even perhaps potentially more damaging, this is a hope-killing tax where students can no longer aspire to a higher education. And that, I think, is the future of young people in New York State.

I have thought about this bill. And I certainly don't like the increase in tuition. That sort of sticks. I wish we had a multiple-choice test here where we could

pick the parts we like and reject the parts that we don't. However, that's not the case.

Mr. President, I intend to vote for this bill, but I am very troubled by the increase in tuition and the loss of students which I think we're going to find over the next couple of years to the SUNY and CUNY system.

ACTING PRESIDENT MORAHAN: Thank you, Senator Stavisky.

Senator Brown.

SENATOR BROWN: Thank you, Mr. President. Through you, would Senator Johnson yield for a question?

ACTING PRESIDENT MORAHAN: Senator Johnson, will you yield for a question from Senator Brown?

SENATOR JOHNSON: Yes, Mr. President.

ACTING PRESIDENT MORAHAN: The Senator yields.

SENATOR BROWN: I want to thank Senator Johnson for being kind enough yesterday to speak to my concern about the fiscal difficulty that the City of Buffalo and

the Buffalo School District is facing. There is a scheduled payment to the Buffalo School District of $30.6 million, which we have been informed if the school district does not receive that money on May 1st or around May 1st, that the following week, May 6th, the school district might not be able to and the city might not be able to meet its payroll.

Yesterday Senator Johnson was kind enough to say in this $1.1 billion education funding appropriation bill that there would be money to address the needs of the City of Buffalo. Does that still look like that will be the case, Senator Johnson, to avert this fiscal crisis in the City of Buffalo?

SENATOR JOHNSON: Senator Brown, all we have to do is pass this bill -- the other house passed it -- pass our revenue bill and have it signed by the Governor and the money will flow.

Thank you.

SENATOR BROWN: I want to thank Senator Johnson for his response. I want to thank Senator Johnson and the other members of this house for their hard work on this budget.

It is an understatement to say that this has been a very difficult, the most difficult fiscal situation this state has dealt with in decades. But I think we are moving forward in a positive direction today. As others who have spoken before me have said, I'd like to see us go farther. I wish we could go farther.

But under the difficult fiscal circumstances that we are dealing with, I too will be supporting this appropriation bill. Thank you.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Senator Ada Smith. You don't have to rise. You can speak from your chair.

SENATOR ADA SMITH: Thank you, Mr. President.

I think Senator Stavisky has said it all --

ACTING PRESIDENT MORAHAN: Thank you.

(Laughter.)

SENATOR ADA SMITH: -- because the SUNY and CUNY system has been the road for

upward mobility for those people that I represent.

It is with great trepidation that I do vote for this bill, because it's necessary. Some parts have been restored. But I'm greatly concerned with the tuition increase, and I wonder how many young people will not be able to further their education because of that increase.

To us it may seem like a very small amount. But to a young student at SUNY or CUNY, the $100, $200, whatever the amount may be, may be the difference between obtaining an education or not obtaining an education.

Mr. President, I do vote yes.

ACTING PRESIDENT MORAHAN: Thank you, Senator Smith.

Any other Senator wish to be heard?

Senator Sabini.

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

I voted against the extenders because I thought it was bad policy. I voted against yesterday's appropriation because I thought it was string budgeting, to paraphrase

a poker term.

But now we have a revenue bill in front of us that is one that, while it's not something we're all going to enjoy supporting, is at least a proposal. And I congratulate the members of the Senate Majority for moving things forward and acting as responsible partners in government. That hasn't always been the case in this town by all parties, and in fact it seems in some cases still isn't the case.

So I think that we're acting responsibly. And while there are some substantial restorations in this proposal that make whole the pre-K and early childhood education that concerns me so much for my district, which is filled with people arriving from other countries, that pre-K and kindergarten is really necessary for their children to make sure that their kids are competitive in school. It's their children's first exposure to the alphabet, to the numbering system, to people that come from other places. Because in areas like mine, it's immigration from many different places on

the globe.

So it's so essential that pre-K and kindergarten continue in neighborhoods like Jackson Heights and Corona and Elmhurst and the part of Queens I represent. And in fact, we now have in my district, I was happy to be part of setting up three early childhood centers, which are now going to probably appear all over the state, where young children will go for their first classroom experience through third grade.

So we've done a lot here to make those whole. And while I'm not happy about some of the increases in tuition in the CUNY and SUNY system, we can't be happy with everything. Any budget proposal I've ever worked on at any level of government, they're never perfect.

So I think this is, under a tough situation, as good as we could hope for. I congratulate those that worked hard to put it together. And for that reason, since we now have a revenue bill, as Senator Krueger said, I will be voting in the affirmative as well.

Thank you.

ACTING PRESIDENT MORAHAN: Thank you, Senator Sabini.

Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

I rise, as chairman of the Senate Committee on Higher Education, to thank our Majority Leader, Senator Bruno, who has had the commitment to make sure that there were restorations for higher education, his steadfastness to make sure that the commitment of access and choice for our students was maintained and the programs for student financial aid, whether it be TAP or the opportunity programs, were restored.

I also want to thank the members of this chamber for their support and the members of the Higher Ed Committee for really being very, very focused on what we needed to do and how to prioritize it. I think all together we have ensured that students will have the best opportunity to move forward with their higher education.

But with restoration at the community college level of base aid, those

students who are beginning at the gateway of their higher education careers will have the best opportunity for the lowest possible tuition to begin that career and also have the student financial aid programs to assist them.

Senator Bruno has recognized that higher education is very important to the economic development and vitality of our state. Whether it is upstate or in the cities, each higher education institution plays a very vital role to the local economy. And he also has recognized, with his sponsorship and leadership, along with those of us in this chamber, that there is a partner with business in terms of high technology, continuing to make those investments in high-tech that will produce dollars for our economy.

So as every speaker has indicated, we are in a very, very difficult environment. But I think, in terms of higher education, we did an outstanding job together.

ACTING PRESIDENT MORAHAN: Thank you, Senator LaValle.

Senator Andrews.

SENATOR ANDREWS: Mr. President, on the bill.

ACTING PRESIDENT MORAHAN: Senator Andrews, on the bill.

SENATOR ANDREWS: First of all, let me take this opportunity to congratulate all of my colleagues on both sides of the aisle for putting together this historic budget.

As some of my colleagues have indicated, this is not a perfect bill. In my short tenure as a state senator, I have never seen a perfect bill. And maybe a miracle will happen one day and I will see a perfect bill. But what I do see in this bill is a bill that's restored needed money to education, to my constituents and the constituents throughout the city and the state of New York. What I see in this bill is a bill that continues to bring the necessary resources to make sure that education takes place in this state.

I'm very disappointed, as a graduate of CUNY and SUNY, to see the increases in tuition. Because as a student in

the '70s, I can remember when tuition went up from $55 to 300-and-something dollars and the number of students who were not able to afford that drastic increase. And with a 30 percent increase, I know that there will also be a reduction of students who will not have the opportunity to continue their education and achieve a higher education.

So I'd like to urge my colleagues that in the up and coming days of session, and maybe even next year, maybe we can do something that's historic and reduce tuition to react to the loss of students that we're going to see with this increase in the budget.

So when this bill comes up to vote, I will be voting in the affirmative. But as I said before, there is no such thing as a perfect bill or a perfect budget. But this budget is pretty good, considering the circumstances we have to work under today.

Thank you.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Any other Senator wish to be heard?

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: I just would like to explain my vote.

You know, the bulk of the restorations that this legislative budget calls for are restorations in education. And I think there's no one who would disagree that education is the priority of everyone, every elected official in this state.

You have to pay for it somehow. And the question of whether we are overspending in paying for education I think is a bit misleading, because it's going to be paid for either by some statewide revenue or by property taxes.

And I think it's very important to recognize that we're not only funding education with the bulk of the restorations which we've done, but also we're giving

property tax relief, real property tax relief to all of our constituents. And I think that's an important message that hopefully will come out of this legislative budget.

ACTING PRESIDENT MORAHAN: Thank you, Senator DeFrancisco.

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT MORAHAN: No, Senator.

SENATOR SKELOS: There being no further business to come before the Senate, I'd like to announce first that there will be a conference of the Majority tomorrow at 11:00 a.m., and then session will reconvene at noon.

So I move we adjourn until Thursday, May 1st, at 12:00 noon.

ACTING PRESIDENT MORAHAN: On motion, the Senate stands adjourned until

Thursday, May 1st, at 12:00 noon.

Senator Smith, why do you rise?

SENATOR ADA SMITH: There will be a Minority conference tomorrow at 11:30 in the Minority Conference Room.

ACTING PRESIDENT MORAHAN: There will be a meeting of the Minority tomorrow at 11:30 a.m. in the Minority Conference Room.

(Whereupon, at 4:26 p.m., the Senate adjourned.)