NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 21, 2004

11:05 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: We can observe a moment of silence as the invocation is prepared.

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

THE PRESIDENT: The invocation this morning will be given by Father Wood, from West Point.

FATHER WOOD: May we pray.

Almighty God, we pray You guide this great state and those who lead it, defend always our liberties, preserve our unity, and protect those at home and abroad who protect us.

Look with Your generous bounty on West Point, which is to be honored here today. Let her remember always that her mission of

duty, honor, country is not a way of looking only at certain things, but 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.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, April 20, the Senate met pursuant to adjournment. The Journal of Monday, April 19, 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 Skelos.

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

THE PRESIDENT: Yes, there are, Senator.

SENATOR SKELOS: If we could make them at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 5, Senator Spano moves to discharge, from the Committee on Labor, Assembly Bill Number 8486 and substitute it for the identical Senate Bill Number 4610, First Report Calendar 704.

On page 6, Senator Marchi moves to discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 7401 and substitute it for the identical Senate Bill Number 2991A, First Report Calendar 716.

On page 6, Senator Bonacic moves to

discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 8029 and substitute it for the identical Senate Bill Number 4328, First Report Calendar 717.

On page 8, Senator Skelos moves to discharge, from the Committee on Codes, Assembly Bill Number 8958A and substitute it for the identical Senate Bill Number 5577A, First Report Calendar 736.

On page 10, Senator Bonacic moves to discharge, from the Committee on Transportation, Assembly Bill Number 9935 and substitute it for the identical Senate Bill Number 6237A, First Report Calendar 758.

On page 11, Senator Robach moves to discharge, from the Committee on Children and Families, Assembly Bill Number 5513 and substitute it for the identical Senate Bill Number 6305, First Report Calendar 768.

On page 13, Senator Nozzolio moves to discharge, from the Committee on Crime Victims, Crime and Correction, Assembly Bill Number 8416 and substitute it for the identical Senate Bill Number 4736, First

Report Calendar 789.

And on page 13, Senator Fuschillo moves to discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number 3796 and substitute it for the identical Senate Bill Number 2331, First Report Calendar 791.

THE PRESIDENT: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, there's a resolution at the desk by Senator Ruth Hassell-Thompson. If we could have it read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Hassell-Thompson, Legislative Resolution Number 4576, congratulating the Mount Vernon High School Boys Basketball Team upon winning the Class AA State 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 younger 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 Mount Vernon High School Boys Basketball Team are the Class AA State Champions; and

"WHEREAS, Mount Vernon, the crown jewel of Section 1 basketball, claimed its sixth state championship in school history with a 56-46 victory over Niagara Falls (Section 6) for the Class AA title. The Knights, with their unparalleled depth and experience, confirmed their No. 8 ranking in the USA Today national poll, and won their first state championship since 2000; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Head Coach Bob Cimmino, a

skilled and inspirational tutor, respected for his 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 Mount Vernon High School Boys Basketball Team, from the opening game of the season to participation in the championship, 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 Bob Cimmino has done a superb job in guiding, molding and inspiring the team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coach Bob Cimmino and these 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 Mount Vernon High School Boys Basketball Team, its members -- George Barrow, Keith Benjamin, Chris Bradley, Al Brown, Chinyelu Browne, David Clark, Michael Coburn, Dexter Gray, Torian Kendall, Chris Lowe, Jonathan Mitchell, Shanty Robinson, Johnathan Smith, and Michael Watson -- Head Coach Bob Cimmino and Coaches Al Visconti, Paul Roland, Brian Pritchett, Dana Doggett, Garee Bryant, Pat Theodule, Joe Leone, Dwayne Murray, Anthony Pavlacka, and Anthony Pisacreta, Fitness Trainer Pete Montpelier, and Athletic Trainer Gordon Palmer on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this

resolution, suitably engrossed, be transmitted to the aforementioned players and coaches."

THE PRESIDENT: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

I rise to thank this body for receiving the state champions of basketball in the persons of the Mount Vernon High School basketball team and their coaches.

As you have heard, this is a team who has won on every field -- not only on the basketball court, but academically in the classroom. No student is allowed to play unless he has better than a B grade average, each of these players. And many exceed a 3.0.

To say that I am proud of them is an understatement. But to have them with me today and for you to witness their prowess on the basketball court and their prowess in their presence gives me great pleasure. So I present to you the Mount Vernon basketball championship team of the state of New York and the federation.

When I greeted them this morning, I

told them that they would be facing many Senators whose teams they have beat over this year.

(Laughter.)

SENATOR HASSELL-THOMPSON: And I have waited since 2000 for them to reach the championship. Because I have heard, as I have stood in this chamber, other Senators talk about their teams and talk about their players. And I am so glad to be among this august body to present to you a team of which I am equally as proud.

So today, you are the winners. No one is angry with you. Everyone is happy for you. Thank you for being with me today.

Thank you, my colleagues, for accepting them and for celebrating their victory with me.

(Applause.)

THE PRESIDENT: Minor detail. All in favor of the resolution please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Congratulations, and continued success.

(Applause.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, there are three resolutions at the desk by Senator Saland. Could we have the titles read and move for their immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Saland, Legislative Resolution Number 4578, commending Vassar College upon the occasion of its designation for special honor by the Dutchess-Ulster Division of the American Heart Association on April 24, 2004.

By Senator Saland, Legislative Resolution Number 4579, commending John O'Shea upon the occasion of his designation for special honor by the Dutchess-Ulster Division of the American Heart Association on April 24, 2004.

And by Senator Saland, Legislative

Resolution Number 4580, commending Ira Effron upon the occasion of his designation for special honor by the Dutchess-Ulster Division of the American Heart Association on April 4, 2004.

THE PRESIDENT: All in favor of the resolutions please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolutions are adopted.

Senator Bruno.

SENATOR BRUNO: Madam President and colleagues, 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 4577, memorializing Governor George E. Pataki to proclaim April 21, 2004, as West Point Day in the State of New York.

"WHEREAS, This Legislative Body is justly proud to celebrate the establishment of the United States Military Academy at West Point and to call upon Governor George E. Pataki to proclaim April 21, 2004, 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-two 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 21, 2004, as West Point Day in New York State; now, therefore, be it

"RESOLVED, That this Legislative

Body pause in its deliberations to celebrate the establishment of the United States Military Academy at West Point and to memorialize Governor George E. Pataki to proclaim April 21, 2004, 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 and colleagues, General Lennox and cadets from West Point.

This is a special day, really a special day. We have annually been honoring and respecting cadets from West Point, but this year takes on a much greater significance for all of us. So we welcome you here. And we pay our respects to you, to the generals that are here with us.

We're going to hear from Senator Larkin, who sponsors this resolution and really mentors all that goes on here with his colleagues as relates to the military.

General Lennox was appointed to run

the Academy in 2001 and has a Ph.D. in literature from Princeton, and has really distinguished himself as a graduate of West Point. Now, you imagine the dream -- with First Cadet Grace Chung leading the other cadets here, I believe from Congers, in Rockland County, and welcome.

But imagine the dream of graduating, going on into the world of military affairs and handling yourself in such a way that the President of the United States sees fit to appoint you to manage the affairs of probably one of the most important facilities in the United States today. So congratulations to you, and to all the good work that you do.

And to the cadets, we have young people here who have distinguished themselves, and we congratulate them. But all the young people throughout the United States, here in New York State, look to you really as the leaders, because each and every one of you have distinguished yourselves. You are leaders now, having attained the honor and the privilege of attending the Military Academy

and staying there. Getting there is one thing; staying there is another. And you're there.

And we're very conscious of the fact that this is a troubled world. And we all here look to you, and we understand that you know what the commitment is in your lives as we all pray and hope for freedom for the world. And that you are prepared, we know, to provide the leadership for all those that will follow to help with what is happening now in troubled parts of the world, in Iraq and in other parts of the world.

So we're indebted to you, and we're grateful to you. And we do respect and we honor you here today with our colleagues.

So God bless you all. And you just keep having those great thoughts and providing all the kinds of good things that you do for each other in supporting each other. And general congratulations to you for your fine work.

Thank you, Madam President.

(Applause.)

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Thank you, Madam President.

And first I'd like to thank the Majority Leader for his outstanding remarks. That shows his total respect, his dedication and commitment to the Corps of Cadets.

You know, as we look around and we start to see what is West Point all about, we have the 56th superintendent here today, a native New Yorker. General Lennox, we have something very much in common. The day he went to West Point was the day the Army said to me "Goodbye, Lark," in 1967.

But we also have a special lady here with us today, Mrs. Lennox -- who John Bonacic's got to get to know her better. Her family lives in Sullivan County now.

And, Mrs. Lennox, you have been an inspiration to the Corps of Cadets, male and female, to the faculty. And your energy within the community to put that gate open so that there is a great combination of civility, workmanship, and comradeship between the civilian community and the United States Military Academy. And we thank you.

Today we're also privileged to have a few other distinguished gentlemen. We have General Hughes to my left, Class of 1946. And if you want to know something about General Patton's father, the senior, ask him, because he had the privilege of rooming with General Patton, an infantry officer, sir, from 1942 to 1946.

We're also privileged to have with us today the commander, the Adjutant General of the State of New York, Major General Tom Maguire. And from the West Point Society, a member of the distinguished Class of 1958, General Pointer.

And other members of the West Point Society. I see our county exec from Albany County, Class of '61. How do you like that? I got it right this year.

You know, when the young cadets were talking to General Hughes this morning, it was amazing when you started to think that General Hughes' career started when he graduated in 1946 from the Academy. And then left us, and he went to the Air Force, where he became a combat pilot in Korea. He later

was the military advisor to President Nixon and then led the forces in the South Pacific to the termination of that part of the world.

You know, the Military Academy has done so much, so much that we haven't paid attention to since 2001. But I have the privilege of serving on the Homeland Security and Veterans Committee with my great colleague from Long Island, Michael Balboni. And, gentlemen, we want to really thank you for creating the Center for Studies, which is the largest in the world and is best known for what it does to energize and educate people from all over the world at the Study Center at West Point.

Now, you know, when you look at the Long Gray Line, it's 202 years old. And you can look and see where they're coming from. The architect of the Panama Canal, the first American to walk in space, two astronauts who made the first lunar landing, 80 Congress Medal of Honor winners -- 80 Congress Medal of Honor winners -- 82 Rhodes scholars. Of course, we slipped a little bit; we only have three Heisman winners.

But when you look at that, and you look at where the cadets went, whether they did their 20 or 25 or 30 years or left the Corps after five years and went out into government or business -- everyplace, every turn you make, you will find someone from the Long Gray Line, representing the Long Gray Line, representing America, and representing freedoms for which you are all serving.

The Academy has been home to some of the most distinguished Americans we ever talk about or read about -- Ulysses Grant, Robert Lee, Douglas MacArthur, Dwight Eisenhower. And from my own 39th Senate District, the commander of the 101st Airborne that did so much up in Mosul, David Petraeus.

These leaders share in the knowledge that strength is very important; strength that the cadets at West Point go to every day. It isn't just getting up at 5:30 that is something unusual, but the calendar of the day, the activities that they do. It's not to just make them slim and trim, like Randy Kuhl, but it's to make them fit and ready to assume the duties that they will be

called upon to do.

We know that some of the cadets that were here two years ago have already been to Iraq. Some have lost lives; some have been seriously wounded. And in talking to some of them, I ask the question: What do you think? The answer that has come to me is: Senator, as soon as this leg gets better, or this arm, I'll be joining my outfit in Iraq. Proud.

Our Majority Leader's old outfit, used to be called the 35th Infantry Regiment, 25th Infantry Division, is now full in place in Iraq. I think that's something that we should reflect upon. We reflect too much upon the deaths and not reflect upon the noble cause that's being done by members of the Long Gray Line.

You know, Tommy Morahan said to me the other day, he said, "You know, General Lennox and I, we got a lot in common." I said: "What did you do, go to grammar school?" He said, "No, Cardinal Hayes." Tom, congratulations. You developed a good friendship with a distinguished leader.

Now, General Lennox has served in

fabulous assignments. Some of the assignments that he's had, I discussed them with General Hughes and General Pointer, and they said, you know, those are assignments that are few and far between and hard to get.

We congratulate you for all the assignments you've had and the distinguished record that you've had therein.

You know, we have a real special person here today with us, comes from Congers, New York, our good colleague Senator Tom Morahan's district. Grace Chung is the second female in the history of the United States Military Academy to become the first captain.

Congratulations.

(Standing ovation.)

SENATOR LARKIN: You know, as we look and see these young people and you talk with them, Cadet Chung told me that she's looking forward to getting a few days' vacation, General, and then she's going to go to Fort Rutger. And I said, "What do you want to fly?" And she said, "The Black Hawk."

Think about it. Think about it. Especially the females in our conference

here -- in our house. A distinguished young lady not wanting to do anything, but she is a leader at the Academy and now she wants to go and pilot the Black Hawk.

The current events that we see in Iraq make us think twice when we think about what's happening, especially to the young people. You talk to the cadets, they don't want to go to special school. They say: We want to go where the action is, we want to go where we were trained to do something. And every one of them has a piece of life that is very respectful.

You know, we will see some of these cadets, read about them in another six to nine months, of their actions someplace in the world after they finish branch school. And what they've learned at West Point will set the tone of their entire life.

Iraq is a sobering mission to each and every one of us, and sometimes we often wonder why. I've never heard a cadet ask me why. The cadets that I've met have always said to me: I can't wait to do my share, because it's the right thing to do.

You know, we bear witness every day that somebody from the Academy, just like in our home, has been wounded or killed in combat. And we have to all be ready to say our prayers for them and thanks for what they've done.

At this time, I would like to take the opportunity to introduce our guests that are with us here today, because this Long Gray Line will be here for long after this body has changed places. So it would be my honor, as we call your name, if you would please stand up so you can be properly recognized.

And somebody took my sheet. Thank God I got another one.

First Captain Grace Chung, from Congers, New York.

(Applause.)

SENATOR LARKIN: Cadet Heidi Beekman, from Oakdale.

(Applause.)

SENATOR LARKIN: Cadet Matthew Burke, from Homer.

(Applause.)

SENATOR LARKIN: And next, you

won't see this often, but we have the Cioffi twins, from Scarsdale.

(Applause.)

SENATOR LARKIN: Cadet Lauren Marie Gurski, from Pomona, Rockland County.

(Applause.)

SENATOR LARKIN: Cadet Tate Alan Jarrow, from Ithaca.

(Applause.)

SENATOR LARKIN: Cadet David Psiaki, from Brooktondale.

(Applause.)

SENATOR LARKIN: Cadet Adam Scher, from Staten Island.

(Applause.)

SENATOR LARKIN: You know, you can say what you want to, but we owe a debt of gratitude to the Corps of Cadets. We owe a debt of gratitude to those members of Congress, the President and Vice President and others who have nominated the cadets. It's a struggle. It's four years many of us in this chamber would have a hard time keeping up with.

You do so much in representing us.

The commitments that you make to our communities -- education, religion, cleanup, concerning of our elders -- those are some of the things that nobody ever sees that the Corps of Cadets -- but it's there.

And we want to thank you, General Lennox, Mrs. Lennox, staff and faculty, and the Corps. We know that what was started 202 years ago will be there now.

Madam President, I am informed by the Corps of Cadets and their leader, Cadet Chung, that the corps has a message they'd like to give to the assembled body and our guests. Grace?

CADETS: Go Army! Beat Navy!

(Laughter.)

SENATOR LARKIN: Madam President, America's finest, America's future. Ladies and gentlemen, the Corps of Cadets.

(Standing ovation.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time pass the resolution that's before us on the floor.

THE PRESIDENT: 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 and colleagues, with unanimous consent of this body, we would be honored, General Lennox, if you would address this group with remarks on behalf of the Academy and the cadets.

THE PRESIDENT: Hearing no objection, General Lennox.

GENERAL LENNOX: Majority Leader Bruno, Minority Leader Paterson, Senator Bill Larkin, and members of the distinguished Senate.

Senator, I'm just going to have to say that I might have to do some recruiting up here of a basketball team for the Army team in the future.

SENATOR HASSELL-THOMPSON: We can make a deal.

(Laughter.)

GENERAL LENNOX: Once again, it's a great honor to be here, especially for a boy from Yonkers and Cardinal Hayes High School, and a person who was appointed by Representative Ottinger, back in the old days, to go to West Point.

And on behalf of the 60,000 graduates and the 4,000 cadets, I'd like to say thank you for doing this here today.

We are New Yorkers. We're the largest employer in Orange County. We're the third most popular tourist site in this state. We are New Yorkers. And that's the most popular site despite some of the weather we've had and the gate guards that don't let as many people in as they used to. So we are still there and we are still supportive of this great state.

I'd ask you to come visit. This is your Academy. And I think it's absolutely great if you could come and see the historic site. George Washington called us the strategic point of the continent. We still think we are, and we'd like to see you.

However, the best thing that you

could see there are these great young men and women. They are the personification of that motto: Duty, honor, country.

And I'll tell you that these cadets -- and these New Yorkers that are with us are representative of them -- are very focused on what's going on today. We have some great cadets with us, and I hope you get an opportunity to meet them.

Grace Chung, from Congers, the second woman First Captain, also known for sports parachute and lacrosse. That wasn't brought out.

Other cadets, though, who have not been here -- Katie Macfarlane, from Clarence High School, near Buffalo. The Patriot League Woman of the Year in basketball, our all-time leading scorer and rebounder. That's the kind of character that we get there.

We also get those graduates who are doing the work of the country overseas now. Dave Petraeus, certainly one of them, leading the 101st, just giving that up now after having done such tremendous work in northern Iraq -- going back again for a second time to

serve under John Abizaid there in Iraq.

That's the two-star general. What isn't told is so many of the lieutenants and captains over there doing their job. And I'll just mention one: John Fernandez, 2001, Class of 2001, the lacrosse captain, from Rocky Point, New York.

John was in the initial attack, an artillery man, followed the Third Infantry as they made their way to Baghdad. And on April 3rd, a misguided bomb hit right outside his platoon, injuring three severely and injuring himself. And hurt, he crawled over and he tried to take care of his people, still the platoon, and essentially directed his own evacuation.

I had the honor of meeting him in Walter Reed last May. And there he wanted artificial limbs just so he could go back and visit the families of the soldiers that he had lost.

I invited John up to the graduation. And as the members of the Class of 2003 took their diplomas and went off the dais there, they gave their first salute to

John Fernandez. That's the kind of young people that we have working for us right now.

I would tell you that we are a nation at war. We're going to win this war; it's a matter of time. And I just hope that there is a Tom Brokaw out there 10 or 15 years ago in the future that can write this story of this great young generation.

I'd ask you all to come and visit. I'd ask you all to come and see the cadets and talk to these great young men and women.

Go Army.

(Applause.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, could we at this time recognize Senator Paterson.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Thank you, Madam President and Majority Leader Bruno.

Those of us here in the Minority just wanted to lend all of our voices to those who admire and certainly support the graduates and know that right here in this chamber some who preceded them are now in Iraq. They have

volunteered themselves for national service. They fight and die.

And as Senator Larkin said, sometimes we focus so much on those who have lost their lives that we forget about the actual mission. And the mission for those volunteers is that whatever the mission is, they see their need to carry it out. We've heard countless stories today about those who were injured, could have left the scene and couldn't wait to get back and continue the mission that they fought for.

The reason we do sometimes think about the loss of life is because of the incredible sacrifice that people make. Everything that they dreamed of, everything that they worked for, everyone they loved is bartered for what is a higher service that they feel for this country.

And we couldn't be more admiring or more flattered to even be able to welcome them here in the Senate chamber, as we do at this time every year.

I want to thank Senator Larkin, as he sponsors this legislation every year, a

person who served this country in many different places and even was participating in some of the civil rights struggles right here in this country. And Senator Larkin doesn't talk about it much, but it's a great achievement that he maintained in his life.

And really, though we recognize a lot of the leaders and lot of the alumni who stand here today, they are really just the symbols of just so many who have gone through West Point Academy and then have distinguished themselves overseas and at the seas at home.

So I just wanted to thank them all and wish them well -- we will pray for them in their careers -- and to say to Captain Chung: Good luck flying the Black Hawk.

Thank you.

(Applause.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, I know that General Lennox and the cadets have some other responsibilities with the Assembly and with the Governor. And then they're going to rejoin us here in the Majority Conference Room for a lunch. And everyone here, of

course, in the chamber will be welcome for that.

So I would request that we stand at ease for a few moments while the general and the cadets take their leave.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 11:46 a.m.)

(Whereupon, the Senate reconvened at 11:49 a.m.)

THE PRESIDENT: Senator Skelos.

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

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 348, by Senator Kuhl, Senate Print 2060, an act to amend the Education Law, in relation to home instruction.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 381, by Senator Volker, Senate Print 5951, an act to amend the Criminal Procedure Law, in relation to persons designated as peace officers.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 421, by Senator Wright, Senate Print 2429A, an act in relation to granting certain retirement benefits to certain sheriffs, undersheriffs and deputy sheriffs.

THE PRESIDENT: There is a

home-rule message at the desk.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 427, by Senator Leibell, Senate Print 1332, an act to amend the Eminent Domain Procedure Law, in relation to requiring that a condemnor serve written notice.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 486, by Senator Padavan --

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 493, by Senator Wright, Senate Print 3423, an act to amend the Penal Law, in relation to criminal tampering in the first degree.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 521, by Member of the Assembly Sweeney, Assembly Print Number 9675, an act to amend Chapter 572 of the Laws of 1994, amending the Public Health Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 522, by Senator Hannon, Senate Print 6174, an act to amend Chapter 884 of the Laws of 1990 amending the Public Health Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 523, by Member of the Assembly Gottfried, Assembly Print Number 10163, an act to amend Chapter 904 of the Laws of 1984, amending the Public Health Law and the Social Services Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 656, by Senator DeFrancisco, Senate Print 2287, an act to amend the Real Property Law, in relation to allowing an assignment of mortgage.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

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

SENATOR SKELOS: Thank you, Madam President. If we could go to the controversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 486, by Senator Padavan, Senate Print 37, an act to amend the Penal Law, in relation to making citizenship document fraud in the first degree and second degree Class D and E felonies, respectively.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Schneiderman, to explain your vote.

SENATOR SCHNEIDERMAN: Thank you, Madam President, to explain my vote.

I just rise to note that Senator Tom Duane has voted against this bill in the past. Today he's presiding over a hearing on

the Rockefeller Drug Laws and the need to reform our sentencing laws, which as everyone knows is something Senator Duane feels very strongly about and is working hard to promote during this legislative session.

Were he here, I believe he would vote no, as he has in the past, and I just want to note that for the record.

I vote yes. Thank you.

THE PRESIDENT: You will be so recorded as voting in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

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

SENATOR SKELOS: Thank you. Is there any housekeeping at the desk?

THE PRESIDENT: No, there isn't, Senator.

SENATOR SKELOS: There being no further business to come before the Senate, I move that we stand adjourned until Monday,

April 26th, at 3:00 p.m., intervening days being legislative days.

THE PRESIDENT: On motion, the Senate now stands adjourned until Monday, April 26th, 3:00 p.m., intervening days being legislative days.

(Whereupon, at 11:55 a.m., the Senate adjourned.)