NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 6, 2005

11:18 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

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

FATHER WOOD: Friends, will you pray with me.

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

In the time of our prosperity, temper our self-confidence with thankfulness. And, in the day of trouble, let our trust in You never fail.

Look, too, with Your generous bounty on West Point, which is to be honored

here today. We pray You to make all those who are associated with her into men and women for whom "duty, honor, country" becomes and remains a way of life.

Let this West Point Day be for all of us a happy reminder and a serious challenge, a reminder of past glories and a challenge to keep our motives pure, our goals high, and our vision clear.

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.

Amen.

THE PRESIDENT: Reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno.

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

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 1273, memorializing Governor George E. Pataki to proclaim April 6, 2005, as West Point Day in New York State.

"WHEREAS, This Legislative Body is justly proud to celebrate the establishment of the United States Military Academy at West Point and to call upon Governor George E. Pataki to proclaim April 6, 2005, 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 endeavor; 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-three 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 proud to commemorate this event, marking April 6, 2005, as West Point Day in the State of New York; 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 6, 2005, as West Point Day in

the State of New York; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Honorable George E. Pataki, Governor of the State of New York."

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President and colleagues.

It's really an honor, truly an honor and a pleasure for me to stand and welcome you, General, Lieutenant General William J. Lennox, Jr., as you heard, who has been in charge, the man in charge since June of 2001.

Just think about an accomplishment in a person's life, graduating from West Point in '71 and, years later, being the man in charge.

He's accompanied by First Captain Ryan Boeka, who is from Amarillo, Texas. And the first captain is one individual out of the several thousands who -- 4,000, approximately -- who distinguishes himself as being the man, the man in charge.

Now, with the general commanding

one of the most respected and best known institutions in the world. West Point is legendary. You heard some of the history. We don't have to go on, we don't have time to review the history. But there isn't a man, woman or child that doesn't recognize that West Point produces the leaders of the world. The leaders who go out to Afghanistan, to Iraq, to you name it, to distant places.

For what purpose? To expand the freedoms that we have here in this country, to protect those that can't protect themselves, to keep people from afflicting pain and suffering. And that's your charge, and that's your duty. And you do it proudly.

You know, again, as a kid, you remember, some people were aspiring to go to West Point. Well, I'll tell you the truth. I never aspired to go to West Point. You know why? Because I didn't have a prayer. Okay? I couldn't get that physically fit, I wasn't that smart, I didn't have it that together.

That's what you are. You are singled out by your peers, and you are selected almost in -- to be unique in your own

communities.

So when I say I'm proud to welcome you here on behalf of the Senate, we are proud. Proud of what you've done so far to get to where you are and what you will be doing as you move on with your lives. What you will be doing. You will be making history as you go on.

And, General, you have truly been distinguished as a leader, doing all of the right kinds of things and reaching out.

And, Chaplain Wood, we appreciate your opening prayer and saying the right words, because these are times that are very challenging, very trying.

And all of us know that no matter how good you are, you need to relate to another power. And that other power is really where our strength and our spirit and our courage comes from.

I want to mention Mike Breslin. He's the county executive in Albany. And there's four or five of the cadets from Albany. He is the brother of Senator Neil Breslin here. And his brother is ranking in

Finance. He happens to be on the wrong side of the aisle. But you know what? We love him anyway.

(Laughter.)

SENATOR BRUNO: And his brother -- where's Mike? Mike was a major in the infantry, graduating from West Point. Now, that is huge. And what a preparation to be county executive of the capital county of New York State. I knew he had something great going for him, and now I know: it's his background at West Point.

You can go on to do anything with your lives that you want to do. And we here are proud, your families are proud, your neighbors are proud. Your country is proud. So thank you all for being here, and God bless you.

(Standing ovation.)

THE PRESIDENT: Senator Wright.

SENATOR WRIGHT: Thank you, Madam President.

And thank you, Majority Leader Bruno, for your outstanding remarks and support for the cadets of the United States

Military Academy.

As my colleagues know, our colleague Senator Larkin is recovering and as a result does not have a voice. So I've had the honor of being chosen to serve as his voice this morning. And it's a particularly great opportunity for me, by virtue of the fact that I have occasion to represent the 10th Mountain Division at Fort Drum in my own home district.

So I look forward to not replacing Senator Larkin, because his long history of West Point Days and his own career in the U.S. military speaks for itself, but I'm pleased to serve on his behalf today.

And on behalf of Senator Larkin, it's an honor and a privilege to offer before this house a resolution recognizing the United States Military Academy at West Point.

I also would like to welcome the 56th superintendent of the United States Military Academy, Lieutenant General William J. Lennox, Jr. I also welcome General Lennox's staff, distinguished members of the West Point Society, native New Yorkers who are

visiting the Senate, and, most of all, the cadets who are joining us here today.

The Long Gray Line began in Orange County, New York, over 200 years ago and is one of the most prominent aspects of our state's history. A true national treasure and historic site, the United States Military Academy at West Point is America's oldest continuously garrisoned military installation, the nation's first engineering school, and the home of the United States Corps of Cadets since 1802.

Members of the Long Gray Line include two U.S. presidents, four of five of the army's five-star generals, the architect and builder of the Panama Canal, the first American to walk in space, two astronauts who manned the first lunar landing, 80 Congressional Medal of Honor recipients, 82 Rhodes Scholars, three Heisman Trophy winners, as well as innumerable leaders in government, the arts, science, industry and education.

Since the Academy's beginning, New York State has been called home by such

military leaders as Ulysses S. Grant, Robert E. Lee, Douglas MacArthur, Dwight D. Eisenhower, George Patton, and Norman Schwarzkopf. These leaders shared in the knowledge that the strength of the United States military must rest on a solid foundation composed of individual honor and integrity.

Madam President, it is appropriate that this house give special recognition today to another very distinguished West Point graduate, Lieutenant General William Lennox. General Lennox grew up in Yonkers and graduated from Cardinal Hayes High School in the Bronx.

He first served his country in a wide variety of field assignments. He has also served in many key staff operational positions in our nation's capital, including special assistant to the Secretary of the Army.

In addition, General Lennox has served as deputy commanding general and assistant commandment of the U.S. Army Field Artillery Center, chief of staff of the Third

Corps at Fort Hood and Combined Forces Command, United States Forces, Korea, and Deputy Commanding General, Eighth United States Army.

We also give special recognition today to the Corps of Cadets, the future leaders of the United States Army. I now have the pleasure, Madam President, of introducing the New York State contingent of the United States Military Academy Corps of Cadets, led by Brigade Commander, First Captain of Cadets Ryan Boeka, of Amarillo, Texas.

Please rise.

(Applause.)

SENATOR WRIGHT: I would like to ask each cadet to rise as they're introduced, and that way they may be acknowledged by the Senate.

I would also like to take a brief opportunity to point out to the gallery, because we have several classes of students here visiting today, that the group that we're going recognize in just a second, this group of cadets, is truly some of America's best, brightest and bravest, and something each of

you can aspire to and appreciate, the dedication, the commitment and service that they are going to share with this nation.

We're very proud of these young men and women, and we're very glad that you're here to share this day with us.

I would ask that each cadet stand when his or her name is read so that they may be acknowledged by the Senate.

Once again, Cadet First Captain Ryan Boeka, Amarillo, Texas.

(Applause.)

SENATOR WRIGHT: Cadet E. Christopher Beeler, Albany.

(Applause.)

SENATOR WRIGHT: Cadet Andrew Bigelow, Hudson Falls.

(Applause.)

SENATOR WRIGHT: Cadet Andrew Byers, Clarence.

(Applause.)

SENATOR WRIGHT: Cadet Matthew Carney, Albany.

(Applause.)

SENATOR WRIGHT: Cadet Clayton

Carpenter, Cortland Manor.

(Applause.)

SENATOR WRIGHT: Cadet John R. Davis, Delmar.

(Applause.)

SENATOR WRIGHT: Cadet Patrick Howlett, West Islip.

(Applause.)

SENATOR WRIGHT: Cadet Heba Mair, Schenectady.

(Applause.)

SENATOR WRIGHT: Cadet Marjana Mair, Schenectady.

(Applause.)

SENATOR WRIGHT: Yes, they are sisters.

(Laughter.)

SENATOR WRIGHT: Cadet Gilberto Nieves, Unadilla.

(Applause.)

SENATOR WRIGHT: Cadet Shane Oravsky, Catskill.

(Applause.)

SENATOR WRIGHT: Cadet Robert Southerland, Salem.

(Applause.)

SENATOR WRIGHT: Cadet Devlin Winkelstein, Grand Island.

(Applause.)

SENATOR WRIGHT: The Corps of Cadets, represented by those seated before us, will continue to build on this solid foundation of duty, honor and country.

Madam President, we must recognize that the challenges faced by today's Corps are vastly different than those encountered by many of their famous predecessors. As we follow the current events in Iraq, we see that today's Army leaders must know how to move equipment and troops to the far reaches of the planet in a matter of hours, not months. They must command the use of the most sophisticated military equipment imaginable. And they must be prepared to face new threats and dangers unheard-of in combat in the past.

Many of the cadets seated here in this chamber will soon be called upon to serve their nation throughout the world. The mission in Iraq is a somber reminder of the tremendous responsibility undertaken by these

young cadets and the sacrifices they are willing to make for the love of this great country. Not in recent memory has this annual ceremony in Albany, which honors their brave commitment, been more important.

It is also important to remember that today's Army serves not only abroad but here at home. Madam President, Senator Larkin reports that he is especially fortunate to represent a region that bears witness every day to another cornerstone of the Army tradition taught at West Point. That principle is a concern for others in the communities in which the Corps of Cadets share.

The Long Gray Line is an active participant not only in our economy but in the hearts and the souls of our communities. The Corps of Cadets of the United States Military Academy incorporates this training in their daily lives. They are regular participants in the community efforts to educate our children, care for our ill, and attend to our elderly.

Duty, honor, country, and a concern for others -- those values are the values of

leadership. Madam President, it is upon this bedrock of values that each cadet will build his or her career. It is an unchanging standard that we in New York must strive to embody. It is upon this foundation that the future leaders of the United States Army will lead soldiers into harm's way, if necessary, to preserve the freedoms on which our nation is founded.

Madam President, we owe a debt of gratitude to the United States Military Academy for bestowing on the State of New York all that is good in our nation.

We thank General Lennox, General Lennox's faculty and staff, and the Corps of Cadets for continuing to build on these honored traditions that were started on the shores of the Hudson two centuries ago.

Colleagues, staff, visitors, I present to you the Corps of Cadets of the United States Military Academy.

(Standing ovation.)

THE PRESIDENT: Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President. I stand also to welcome our

heroes today.

As a Senator from Orange County, I serve with my colleague Senator Larkin. And, General Lennox, you know about Senator Larkin. He wears his heart on his sleeve for West Point every day of the year, and not just on West Point Day.

What strikes me about these men and women is that regardless of the popularity of the wars, regardless about the politics of war, these men and women protect our communities, protect our democracy and protect our freedoms. And they never get involved with the popularity of the war or the politics, because their creed which they live by and serve by, which Senator Wright said over and over again, is duty, honor, and country.

So we thank you for what you do. America's strength is always its people, and here is the best of the best.

So for all those that have served, are serving and will serve, we say from this Senate and all of the people of New York and this great country, thank you for what you do.

God bless you. We hope He keeps all of you safe.

Thank you very much, Madam President.

(Applause.)

THE PRESIDENT: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

Good morning to General Lennox. As someone who represents Westchester and the Bronx, I'm very glad to embrace you again, as usual.

To your officers and to the cadets, on behalf of Senator Paterson, it gives me great pleasure to stand here today and to welcome you again to our chambers.

Many of you will go off to campaigns, to Europe and places that we can't pronounce. For that, we thank you. We thank you for duty, honor and for representing your country so well.

You're young in your age, but you have aged in your heart. By making the decision to go to West Point, you have taken

on a tremendous responsibility. I have young children in the gallery today, and when I go back to talk with their class next week, part of what we will talk about is West Point and the kinds of things that they can achieve just by being here today and seeing you in your gray.

Thank you for what you do. We pray for you and wish you Godspeed.

(Applause.)

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Paterson.

SENATOR PATERSON: Madam President, now that we've passed this resolution, I've never missed West Point Day, and I barely got here in time so that I can keep that record alive. I'm glad that I'm not at West Point; I might be eligible for some

sort of special punishment right now.

But the reality is I've been out trying to find my notes that I had prepared, as I do every year, to offer to those who have volunteered themselves for service to this country and those, who are the most distinguished citizens among us, who are stepping forward to do so at time of great peril around the world and at a time when the initiation of their service may lead to danger and harm. And nonetheless, they put themselves forward and they go forward.

And we are very proud of them, and we're always proud to have them here. The Majority Leader, Senator Bruno, it's one of his favorite days here, he always tells me, and has a little reception for them afterwards.

All that being the case, I still could not find my index cards that I was going to make a few other points. So I will sit down now, in recognition of the fact that Senator Ruth Hassell-Thompson found those cards and said everything I was going to say about West Point.

Thank you very much.

(Applause.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: And I might note that she said them as well or better than you might have, Senator.

(Laughter.)

SENATOR BRUNO: Madam President, Senator Larkin, our colonel, who's made his early life a military life, has given permission that anyone in the chamber that would like to join this resolution, as a special resolution, is free to do so.

And I would ask that anyone that doesn't want to be on this resolution, just quietly let the desk know. Other than that, everyone will be joined together on the resolution.

And, Madam President, I would ask my colleagues to waive the rules of the Senate and ask General Lennox to at this time address the Senate.

General.

(Applause.)

THE PRESIDENT: Hearing no

objection, I now call upon Lieutenant General Lennox.

SUPERINTENDENT LENNOX: Governor Donohue, Majority Leader Bruno, Minority Leader Paterson, and Senator Larkin and distinguished Senators, it's an honor to be here, and it's a great day to be a soldier, I'll tell you. As I've said three times before, it's quite an honor for a boy from Yonkers, educated in the Bronx, to represent West Point before this great, important body.

And on behalf of the 60,000 graduates and the 4,100 young men and women that are at the Academy right now, I just want to say thank you.

West Point's domestically a lot of things. It's the largest employer in Orange County. It's still, despite the security and some of the weather we've been having, a great tourist attraction, number three in the state behind New York City and, of course, Woodbury Commons.

(Laughter.)

SUPERINTENDENT LENNOX: And I would invite all of you, please, to come and

see the Academy.

I'd ask you not only to take a look at the old buildings and the historic grounds, but to meet the extraordinary young men and women that are there at the Academy right now during these times.

Students like Katie Macfarlane, Class of '04 that just graduated, star basketball player and lacrosse player from Clarence Central High School, near Buffalo. She became the all-time leading scorer and rebounder for Army's basketball team. She is now at the Military Intelligence Officer Basic Course in Arizona before reporting in to Fort Bragg, North Carolina, later this year.

Students like Johnny Fernandez of Rocky Point, Army's lacrosse captain in '01 and, I mentioned to you last time, lost his legs in the attack on Baghdad. He made it back for the alumni lacrosse game this past year -- not only played, but scored a goal. And in fact, going over to the coach, mentioned to Jack Emmer, said, "Coach, I think I'm even faster on these new legs than on the old ones."

It's that kind of spirit and that kind of toughness that we're seeing in this generation.

Students like Dave Petraeus, from Cornwall. Dave graduated from Cornwall High School, and West Point in 1974 as an infantryman, and he later earned his master's and Ph.D. from Princeton. And he wrote on the impact of Vietnam on future wars.

Today, Dave is in charge of rebuilding the Iraqi army. It's one of the biggest challenges in establishing a safe environment for the people of Iraq. That is another New Yorker doing a fabulous job for our Army and our nation.

I invite you to come visit your Academy and the extraordinary men and women of this generation.

Ladies and gentlemen, leaders are made, not born. And that's what we do at West Point. We build leaders such as Brooklyn's George Goethals, the chief engineer on the Panama Canal, and Yonkers' Joe Stilwell, who led American and Chinese forces during World War II. And today we build those

leaders like Katie Macfarlane, Johnny Fernandez and Dave Petraeus.

We build those leaders by challenging them every single day, physically and intellectually, to achieve excellence. We build those leaders as we always have, by instilling in them the values of duty, honor and country. And after four years, we send them out to the force to fight our nation's battles and to win our nation's wars.

And we're going to win this war. I cannot tell you when the conflict will end or how many more Americans will have to sacrifice their lives to make Iraq and Afghanistan safe for democracy and to defeat the forces of extremism and terror. Great sacrifices have already been made. No one knows that better than the people of New York.

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

God bless you all in your work. God bless the Academy. God bless this great

nation. Go Army!

(Extended standing ovation.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, can we recess for just a few minutes so the cadets and the general can make their leave. And I believe they are expected in the Assembly, if I'm not mistaken.

THE PRESIDENT: The Senate stands in recess.

(Whereupon, the Senate stood at ease at 11:52 a.m.)

(Whereupon, the Senate reconvened at 11:57 a.m.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, can we ask the members who are part of the Senate, if they are in the area, that they join us.

THE PRESIDENT: Senator, would you like the Secretary to ring the bell?

SENATOR BRUNO: I want to ring the bell.

THE PRESIDENT: The Secretary will ring the bell.

SENATOR BRUNO: Maybe we could send Senator Fuschillo through the halls bringing people in. He's young and active.

THE PRESIDENT: And Senator Fuschillo will get the members back to their seats.

SENATOR BRUNO: Thank you, Madam President. I believe I have a privileged resolution at the desk. 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 Senators Bruno and Golden, Legislative Resolution Number 1274, mourning the death of Karol Josef Wojtyla, Pope John Paul II, Supreme Pontiff of the Roman Catholic Church.

"WHEREAS, Pope John Paul II, the 265th Pontiff of the Roman Catholic Church, entered into eternal life at the Vatican on April 2, 2005, at the age of 84; and

"WHEREAS, Having lived through the Nazi occupation of Poland, World War II, and European Communism, Pope John Paul II used his

position to spread a message of peace and freedom throughout the world; and

"WHEREAS, Pope John Paul II's mission led him to visit 129 countries, and, while addressing world leaders at the United Nations in New York City, plead for peace for 'all men and women living on this planet'; and

"WHEREAS, One of the world's most recognized figures, Pope John Paul II was the first Pope to visit a synagogue, and reached out to Muslims and other religions of the world, as well, in the spirit of human unity; and

"WHEREAS, John Paul II was an inspiration to young people wherever he traveled, an inspiration which will be sustained by future generations across the globe; and

"WHEREAS, As Bishop of Krakow, having been forced to clandestinely study theology, Pope John Paul II strongly opposed Communism and worked to preserve Catholicism in his homeland; and

"WHEREAS, His work for human rights and social justice led Pope John Paul II to

abhor the abuses of the Nazis, to lament nuclear war, and to work for justice for the downtrodden and impoverished of the world; and

"WHEREAS, Pope John Paul II once demonstrated his dedication to his ideals by forgiving an attempt on his life; and

"WHEREAS, Pope John Paul II represented approximately one billion Catholics worldwide, approximately 60 million Catholics in America, and over seven million Catholics in New York State; and

"WHEREAS, Pope John Paul II was the longest-serving Pope in the twentieth century. Having visited New York, Asia, Latin America, and Africa, he attracted huge crowds wherever he spoke. He was more than just a spiritual leader; John Paul II taught people around the world to care for the poor, sick, needy and oppressed, and was one of the most beloved leaders of the Roman Catholic Church; and

"WHEREAS, As this Legislative Body reflects upon the magnificent contributions of Pope John Paul II to the world, it gratefully notes his legacy, which will forever stand as the epitome of the goodness of humanity; now,

therefore, be it

"RESOLVED, That this Legislative Body proudly and respectfully pause in its deliberations to mourn the death of Pope John Paul II, Bishop of Krakow and Supreme Pontiff of the Roman Catholic Church, and to commemorate his life's work as a beacon of hope, peace and unity throughout the world; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Diocese of New York State and to the Vatican."

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President and colleagues.

We have been hearing for days -- you can't pick up a paper, can't turn on a TV, can't turn on a radio but we have been hearing about the life of Pope John Paul II. He has been described in more ways than any of us have the vocabulary to describe.

But the bottom line with Pope John Paul is that he was a man, a real man, a man who reached out for other people. He didn't

consider himself above everyone, pious and holy. He was as regular a man as you could view or be exposed to. And, boy, with the pomp and the ceremony that goes with being the pope, pretty hard to stay humble, to stay humble. But he did. He really did.

Now, think about a man who didn't have to. First, by the way, first non-Italian pope in 450-some years. Think of that honor, that others would select him.

And then he didn't rest on his laurels. He traveled to something like 130 countries, mastered eight languages and apparently spoke them fluently, so that he could converse. Why? So that when he was traveling, he could communicate, person to person, with individuals and with the public.

Imagine a person saying a mass in front of 2.7 million people. I think it's one of the largest records. Do you know of any pop star that ever was able to put together 2.7 million people for any purpose?

So this is a great man who has passed. And he's a great man to every individual in the world, because he reached

out and he befriended every individual in the world.

You know, I only once had the honor, the privilege, and it was awesome to be near the pope, and that was at St. Patrick's some years, a few years back. And I was up towards the front, and he was on the altar, and he was visibly in great pain. He was in pain. He was infirm. But I just couldn't help but marvel at how he climbed those stairs, spent time on his knees, got up.

And I was thinking to myself, just watching him -- and he was probably from here to that clock, closer -- he didn't show a sign of pain, didn't show a sign of discomfort. This man's mind was just in a whole other place, above the ordinary pain and the ordinary suffering that anybody has. So what, what an individual and a role model for all of us.

And, you know, when they were leaving the church, he was surrounded. And he walked down the aisle, and he got to the back of the church and the guards -- he had been shot years before, and as you all know, four

days after he was shot, he's forgiving his assailant. Went to visit him in prison two years after he was fully recovered -- he went to the back of the church, and they are trying to move him to get him to a car for safety.

And I will never, ever forget that he removed himself from all of these people surrounding him and walked over to the thousands of people that were surrounding the outside door of St. Pat's and walked right into the middle of them and was touching them and touching them.

I thought, that is a man. That is a brave, caring man. And I've never been -- you know, I'm in the presences of some of you, and you're very awesome. But I've got to tell you, being in the room being near this man was something spiritual. Spiritual. And it's good to see that the world recognizes that.

And I believe, while we mourn the loss of this great, great leader, he left us with a quote. And I would just like to read this, because this -- we can remember this as the most comforting during sad times, but I think it really tells it like it is about how

this man's mind worked.

He said: "Have no fear of moving into the unknown. Simply step out fearlessly, knowing that I am with you. Therefore, no harm can befall you. All is very, very well. Do this in complete faith and confidence."

Thank you, Madam President.

THE PRESIDENT: Senator Golden.

SENATOR GOLDEN: Thank you, Madam President.

Thank you, Senator Bruno, for your kind words.

Pope John Paul II was a great man who reached across religious ties and embraced all humanity. Pope John Paul was more than just a spiritual leader, as he taught people around the world to care for the poor, the sick, the needy, the oppressed, and the unborn.

John Paul II was one of the world's most beloved and recognized figures, who reached across historical divides to improve relations with other faiths, particularly Catholics and Jews and Muslims alike. He was the first pope to visit a synagogue or a

mosque. And during his pontificate he completed 104 visits, including stops in New York, Asia, Latin America and Africa, attracting huge crowds wherever he spoke.

One of the most historic visits by Pope John Paul II was his trip to New York City, as Joe Bruno has spoken about. In 1979, it was a special moment that happened in my life, when I was a New York City police officer. I was assigned to guard John Paul II in his visits to New York City. And millions of people had gathered, as they do now, to pay tribute and respect to a great, great representative of God and a great man.

And he smiled at those crowds as he walked into the Polish church in Brooklyn and he, the same as our leader Joe Bruno pointed out, walked into the crowd and greeted many. This trip was in the height of the Cold War. It was symbolic, his support for democracy.

John Paul II's experiences battling Nazi oppression during World War II made him a staunch anti-Communist. He advocated peaceful rebellion through his support of the Polish Solidarity movement and other Eastern European

anti-Communist movements in the 1980s. John Paul II helped to tear down that wall of tyranny for millions of oppressed people throughout the world.

John Paul II was an inspiration to young people wherever he traveled. His inspiration and his admiration continue for future generations across this globe. He surely will be sainted, and he will go down in history as Pope John Paul the Great.

God has blessed us with his presence, and he has blessed him for his devotion and his leadership to all of mankind.

Thank you.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, can we ask anyone that would like to join the

resolution -- and if you'd rather not be on it, please let the desk know at your leisure.

THE PRESIDENT: Any member who does not wish to cosponsor the last resolution, please notify the desk.

Senator Golden.

SENATOR GOLDEN: I believe this resolution will go down to all the dioceses across the State of New York, to each one of our communities. The dioceses will receive this resolution.

THE PRESIDENT: Thank you, Senator.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe there is a privileged resolution at the desk by Senator Marcellino. 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 Marcellino, Legislative Resolution Number 1272, commemorating the 35th Anniversary of Earth Day on April 22, 2005.

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

"WHEREAS, On April 22, 1970, approximately 25 million Americans participated in the first Earth Day demonstration to express their concerns over the environment and the fate of this planet; and

"WHEREAS, In the 35 years that have passed since the original Earth Day, the planet has been subjected to the continuing burdens of world population growth, increasing commercial and residential development, ocean pollution, increasing stores of toxic and nuclear waste, and other similar assaults which have exacerbated the growing dangers of global climate change, ozone depletion, toxic poisoning, deforestation, and mass species

extinctions; and

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

"WHEREAS, April 22, 2005, marks the 35th anniversary of Earth Day, a day set aside to celebrate the beauty and bounty of our environment and to revitalize the efforts required to protect and maintain respect for the environment and its resources; and

"WHEREAS, Earth Day 2005 activities and events will educate all citizens on the importance of acting in an environmentally sensitive fashion by recycling, conserving energy and water, using efficient transportation, and adopting more ecologically sound lifestyles; and

"WHEREAS, Earth Day 2005 activities and events will educate all citizens on the importance of supporting the passage of legislation that will help protect the environment and will highlight the importance

of a heightened awareness of environmental concerns amongst our state's leaders; and

"WHEREAS, The goal of Earth Day 2005 is not to plan only one day of events and activities, but to continue worldwide efforts to protect all aspects of the environment; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the 35th anniversary of Earth Day on April 22, 2005, and be it further

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

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President, just briefly.

I would just like to reiterate what was stated at the last part of that resolution, is that every day should be considered Earth Day, not just one day a year, but every single day.

And also to remind the people in this chamber, and in concert with our friends in the other chamber, this state does not have to take second place to any other state in the union in preserving and protecting our environment. We have done more together, in a bipartisan way, to preserve open space, clean air and water, to protect species, our habitats and our quality of life, and to move this planet to the future even better than we found, in better shape than when we found it.

I'm very proud of having served here, I'm proud of being chairman of the Environmental Conservation Committee, and I'm proud of the achievements not only of this chamber but of our Legislature as a whole.

And I thank the Governor for all of his help, because he's been a partner in everything we've done, from the Bond Act on, to making this state a better place to live and raise a family and maintain our quality of life for all of our citizens.

Thank you, Madam President.

If we could open the resolution for all who would like to join us in sponsorship,

please.

THE PRESIDENT: Senator Skelos, would you like to open up the resolution to cosponsorship?

SENATOR SKELOS: If anybody wishes not to sponsor the resolution, they should notify the desk.

THE PRESIDENT: Any member who does not wish to be a cosponsor of the pending resolution, please notify the desk.

The question is on the resolution. All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to motions and resolutions.

I believe there are some substitutions at the desk, if we could make them at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 12, Senator Trunzo moves to discharge, from the Committee on Labor, Assembly Bill Number 1736 and substitute it for the identical Senate Bill Number 3359, Second Report Calendar 442.

On page 6, Senator Marcellino moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 2048 and substitute it for the identical Senate Bill Number 2081, First Report Calendar 469.

On page 6, Senator Marchi moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 5475 and substitute it for the identical Senate Bill Number 2918, First Report Calendar 471.

On page 9, Senator LaValle moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 3107 and substitute it for the identical Senate Bill Number 2777, First Report Calendar 507.

And on page 11, Senator Spano moves to discharge, from the Committee on Investigations and Government Operations,

Assembly Bill Number 6714 and substitute it for the identical Senate Bill Number 3460, First Report Calendar 518.

THE PRESIDENT: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Please recognize Senator Fuschillo for a motion.

THE PRESIDENT: Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

On behalf of Senator Saland, on page number 32 I offer the following amendments to Calendar Number 431, Senate Print Number 3165, and ask that said bill retain its place on Third Reading Calendar.

THE PRESIDENT: The amendments are received. The bill will retain its place on the Third Reading Calendar.

Senator Skelos.

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

THE PRESIDENT: The Secretary

will read.

THE SECRETARY: Calendar Number 227, by Senator Rath, Senate Print 2637, an act to adjust certain state aid payments.

THE PRESIDENT: There is a local fiscal impact note 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, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 257, by Senator LaValle, Senate Print 1392, an act to amend Chapter 311 of the Laws of 1920 relating to the assessment and collection of taxes.

THE PRESIDENT: 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, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 259, by Senator Morahan, Senate Print 1965A, an act to authorize the Bais Mahari Assad to file an application.

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, 55. Nays, 1. Senator Bonacic recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 292, by Senator Balboni, Senate Print 178A, an act relating to the procurement process of homeland security-related goods and services.

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: Please lay the bill aside for the day.

THE PRESIDENT: The bill is laid

aside for the day.

SENATOR BALBONI: Thank you very much.

THE SECRETARY: Calendar Number 352, by Senator Volker, Senate Print 3333, an act to amend the Criminal Procedure Law, in relation to challenge for cause.

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, 55. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 386, by Member of the Assembly Gianaris, Assembly Print Number 5866A, an act in relation to authorizing the State Emergency Management Office.

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, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 401, by Senator Maziarz, Senate Print 3250, an act to amend the Labor Law, in relation to the duty of an employer.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 438, by Senator Leibell, Senate Print 3593, an act to amend the Retirement and Social Security Law, in relation to the employment of retired persons.

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, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 439, by Senator Robach, Senate Print 3599, an act to amend the Local Finance Law, in relation to providing.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect June 30, 2005.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

THE PRESIDENT: The bill is passed.

Senator Skelos, that completes the calendar for the day.

SENATOR SKELOS: Thank you very

much, Madam President.

If we could return to the order of motions and resolutions, I believe there's a privileged resolution at the desk by Senator Leibell. I ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Leibell, Legislative Resolution Number 1275, honoring the Putnam Valley Rotary Club upon the occasion of its 35th anniversary.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Move that we adopt the resolution.

THE PRESIDENT: 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.

Senator Skelos.

SENATOR SKELOS: Is there any further business to come before the Senate?

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

SENATOR SKELOS: Thank you.

Just a reminder that the West Point luncheon, on behalf of Senator Larkin, I believe commences at 1:00 p.m.

And there being no further business to come before the Senate, I move we stand adjourned until Monday, April 11th, at 3:00 p.m., intervening days being legislative days.

THE PRESIDENT: A reminder that the West Point luncheon is at 1:00 p.m.

And on motion, the Senate now stands adjourned until Monday, April 11th, 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:23 p.m., the Senate adjourned.)