NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 3, 2006

3:07 p.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: In the absence of clergy, may we bow our heads in a moment of silence, please.

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, April 2, the Senate met pursuant to adjournment. The Journal of Saturday, April 1, 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 Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Morahan, on page 30 I offer the following amendments to Calendar Number 596, Senate Print Number 6853, and I ask that that bill retain its place on the Third Reading Calendar.

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

Senator Skelos.

SENATOR SKELOS: Madam President, I believe there's a substitution at the desk.

THE PRESIDENT: Yes, there is.

The Secretary will read.

THE SECRETARY: On page 24, Senator Spano moves to discharge, from the Committee on Corporations, Authorities and

Commissions, Assembly Bill Number 9344A and substitute it for the identical Senate Bill Number 6004A, Third Reading Calendar 489.

ACTING PRESIDENT LITTLE: The substitution is so ordered.

Senator Skelos.

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

ACTING PRESIDENT LITTLE: There is an immediate meeting of the Rules Committee in the Majority Conference Room.

Senator Skelos.

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

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will read.

THE SECRETARY: Calendar Number 104, by Senator Larkin, Senate Print 61A, an act to amend the Education Law, in relation to suspending.

ACTING PRESIDENT LITTLE: Read

the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 284, by Senator Marcellino, Senate Print 654, an act to amend the Labor Law, in relation to waiting periods.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 383, by Senator Marcellino, Senate Print --

SENATOR SPANO: Lay it aside temporarily.

ACTING PRESIDENT LITTLE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 489, substituted earlier by Member of the Assembly Brodsky, Assembly Print Number 9344A, an act to amend Chapter 698 of the Laws of 1991 amending the Public Authorities Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Senator Duane, to explain your vote.

SENATOR DUANE: Thank you, Madam President.

I'm going to vote in support of this bill, which will allow the Dormitory Authority to finance construction of facilities such as the Hawthorne Country Day School. And I'm positive that this

construction will help the children who are students or who use the Hawthorne Country Day School, because obviously children deserve our help.

That's why I'm so baffled that we don't pass Timothy's Law, which, if it had been in law, would have helped Timothy O'Clair, who died because his family couldn't afford mental health treatment.

And I don't understand why the Senate is blocking passage of Timothy's Law, but I'm going to vote yes on this anyway, because it helps children. But let's really help children and pass Timothy's Law.

I vote aye, Madam President.

ACTING PRESIDENT LITTLE: Thank you.

Senator Duane will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number

537, by Senator LaValle, Senate Print 2621, an act in relation to granting the Wading River Historical Society.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 558, by Senator Volker, Senate Print 878 --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT LITTLE: The bill is laid aside.

THE SECRETARY: Calendar Number 564, by Senator Farley, Senate Print 2159, an act to amend the Civil Rights Law, in relation to the confidentiality.

SENATOR SCHNEIDERMAN: Lay it

aside temporarily.

ACTING PRESIDENT LITTLE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 568, by Senator Volker, Senate Print 3911, an act to amend the Penal Law, in relation to trespassing in a motor vehicle.

SENATOR SPANO: Lay it aside temporarily.

ACTING PRESIDENT LITTLE: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 620, by Senator LaValle, Senate Print 1552, an act to amend the Correction Law, in relation to requiring.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 621, by Senator Morahan, Senate Print 2385, an act to amend the Executive Law, in relation to requiring.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 622, by Senator Leibell, Senate Print 6934, an act to amend the Correction Law, in relation to making the offense of compelling prostitution.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT LITTLE: The bill is passed.

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

SENATOR SPANO: Can we just stand at ease for a few moments awaiting the completion of the Rules Committee.

ACTING PRESIDENT LITTLE: Thank you.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:13 p.m.)

(Whereupon, the Senate reconvened at 3:18 p.m.)

ACTING PRESIDENT LITTLE: Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to the noncontroversial calendar, I believe there were three bills laid aside temporarily.

Could you please call up Calendar Number 383.

ACTING PRESIDENT LITTLE: Thank

you.

The Secretary will read.

THE SECRETARY: Calendar Number 383, by Senator Marcellino, Senate Print 671, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, would you please call up Calendar Number 564 and then Calendar Number 568.

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will read.

THE SECRETARY: Calendar Number 564, by Senator Farley, Senate Print 2159, an act to amend the Civil Rights Law, in relation to the confidentiality.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT LITTLE: The bill is passed.

THE SECRETARY: Calendar Number 568, by Senator Volker, Senate Print 3911, an act to amend the Penal Law, in relation to trespassing.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. I was at an official meeting with the Rules Committee when Calendar 622 was passed, and I would like to be recorded in the negative on that bill.

ACTING PRESIDENT LITTLE: The Secretary will read the controversial section of the calendar.

THE SECRETARY: Calendar Number 558, by Senator Volker, Senate Print 878, an act to amend the Criminal Procedure Law, in relation to police officer statements.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT LITTLE: An explanation has been requested, Senator Volker.

Could we have quiet in the chamber, please.

SENATOR VOLKER: Madam President, I want to congratulate you also. The back row court of appeals here just agreed you said it right, that it's not the controversial calendar, it's a part of the controversial calendar that's controversial.

Got that? Okay.

(Laughter.)

SENATOR VOLKER: Anyways, this is a bill that actually was part of the last two or three budgets, I believe, which was rejected -- well, frankly, it was rejected by the Assembly in the public protection part of the budget.

There are two pieces of this bill. One relates to business records that can be received in grand jury proceedings as evidence, with -- well, with an oath or whatever and with a written statement and so forth.

The other relates, and it's more controversial, that police officers -- and this, in this case, would be primarily State

Police -- would be able to do the same thing, and that is give a sworn statement and would appear before the -- or would not have to appear before the grand jury. It could save a considerable amount of money.

The argument is that -- I realize that many people believe that there should be an opportunity to question law enforcement officers in the grand jury. Actually, we amended this bill to put in a situation where if there's any real controversy involving that testimony -- and I point out that it says "may" be accepted -- that a police officer or trooper could be called before that grand jury. So it is not -- I believe first it said "will" or "must." But we did change it to "may."

Now, I realize that that's still going to create some problems, because I think a lot of people on defense would say, Yeah, but the problem is that most of the time they don't even realize that those statements are going to be used until the actual grand jury is empaneled and they're before the grand jury.

So that is what this bill is. It can save considerable money for the counties, the City of New York and so forth, the State of New York. And that's what the bill is.

ACTING PRESIDENT LITTLE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President. Briefly on the bill.

ACTING PRESIDENT LITTLE: On the bill.

SENATOR SCHNEIDERMAN: We've seen this two-part bill for several years, and there are quite a few of us who vote against it. And I would make a simple suggestion.

Senator Volker has honestly stated the problems with the second portion of this bill, which would allow police officers, unlike every other witness that appears in front of a grand jury, to be able to come in by affidavit.

We do have a problem, in many parts of this state, of public confidence in the criminal justice system, a sense that sometimes things are unfairly slanted against the accused. Grand juries provide little

enough protection. Let's not take away of one of the essential elements that allow the grand jurors to assess the credibility of a law enforcement officer accusing someone of wrongdoing, which is what this bill would do.

It would save, in the scheme of our budget, not a great deal of money. By the Governor's estimate, I think it was 150 million, maybe it's more -- $150,000, excuse me, $150,000 a year. Maybe it's more. But even if it is, our criminal justice system is not a profit center, and we shouldn't be adjusting it based on a cost evaluation. The fact is that jury trials, right to counsel, all these things cost money.

So let's not weaken further the grand jury system. Let's enable grand jurors to assess the credibility of police officers, law enforcement officers, and ask questions if they want to.

But the first portion of this bill, I would urge the sponsor everyone that I know supports this, for businesses, small businesses in particular, to be able to put in business records through an affidavit rather

than have someone come down to testify that those are in fact the business records.

Let's separate these two parts of the bill. Every year we have this discussion. Every year the bill comes back with this poison pill in it. Let's do something that will save time and money for the businesses of this state, allow them to submit business documents by affidavit rather than providing a live witness. It's especially burdensome on small businesses.

And I certainly am among those who would vote for it if you can separate it out from the provision about police officers in a grand jury. So that is my suggestion.

I know this is a Governor's program bill. But the days of this Governor submitting this program bill are behind us, so I would request that the sponsor, perhaps next year, separate these out so we can actually pass something that would do some good for the businesses of this state, streamline the process. We talk about wanting to save money for businesses and make this a pro-business environment. Let's do it with this

legislation.

I'm going to vote no in the meantime, Madam President, in the hopes that the sponsor will next year come before us with two separate bills -- or maybe even this year come with a separate version of the first part of this bill. Ah.

ACTING PRESIDENT LITTLE: Thank you, Senator.

Senator Volker.

SENATOR VOLKER: Madam President, could I ask a question of Senator Schneiderman?

ACTING PRESIDENT LITTLE: Thank you.

Senator Schneiderman, do you yield?

SENATOR SCHNEIDERMAN: I would be happy to yield.

ACTING PRESIDENT LITTLE: Thank you.

The Senator yields.

SENATOR VOLKER: That's quite a persuasive argument.

Let me ask you this. If I amend this bill to only have the business records

part of it, will you help me pass it in the Assembly?

SENATOR SCHNEIDERMAN: I would -- I would -- I'll tell you, I would be glad to cosponsor it, as would many of my colleagues, and then that would enable us to be very persuasive in the Assembly. It's hard for us to be as vigorous advocates as you sometimes want us to be when we're not allowed to put our names on bills. But I would absolutely be an advocate for this in the Assembly.

And the Speaker does not always do everything that I ask him to do, but I would certainly use what little influence I have.

But yes, I would welcome that and welcome the opportunity to work with you to pass it.

SENATOR VOLKER: I think we better pass the bill. But, Senator, I think you have an excellent idea. And I think you may see this bill come back a little later on in the session with just business records. So I just want you to know that.

But I feel constrained to at least pass the bill here for, you know -- so I would

like to pass the bill, if we could. And then we'll do whatever has to be done after that.

Okay? Thank you.

SENATOR SCHNEIDERMAN: Thank you.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Volker.

Is there any other Senator wishing to be heard on the bill?

The debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of November.

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Senator Connor, to explain your vote.

SENATOR CONNOR: Thank you, Madam President.

I'm voting no on this iteration of this bill. I do look forward to Senator Volker bringing out the bill as Senator

Schneiderman suggested.

But I would make a further suggestion, Madam President, to Senator Volker, and that is that hearings be scheduled to get input on whether or not we should abolish the grand jury.

We -- 15 years ago, it was suggested a grand jury would indict a ham sandwich if the DA wanted it. I'm not sure in the modern day that a grand jury really protects the individual's rights against the state.

Other states have done it. California has no grand jury. They do require a preliminary hearing in court to make a determination of probable cause -- thank you, Madam President -- and I think we could follow that. I think they do preserve the grand jury for some exceptional cases of a heavy investigative nature.

But I think the routine, the requirement that in every felony case there be a grand jury indictment I think has probably outlived its usefulness.

What I would suggest is if you

abolish the grand jury, you put penalties in should the district attorney fail to make a case in the preliminary hearing, to avoid DAs from simply hauling people into judicial proceedings. The penalties could be, you know, you pay the defendant's costs or legal fees or whatever if there's insufficient evidence to hold the person for trial.

But I would make that suggestion, Madam President.

I vote no on the bill.

ACTING PRESIDENT LITTLE: Thank you.

Senator Connor will be recorded in the negative.

Senator Volker.

SENATOR VOLKER: Madam President, I know it's kind of unusual to explain my vote.

It's interesting that Senator Connor mentioned that. I think that's not a bad idea at all.

I believe one of the first hearings I ever did as chairman of Codes, I believe we went statewide with hearings on grand jury.

We got a strange mix where there were some real left-wing liberals thought it was a good idea, real right-wing conservatives thought, and then there was a lot of people in the middle. And law schools were arguing vociferously about whether to do it or not.

But it is an interesting question about the system and something that I certainly will take into consideration, because I think it could be valuable. The only problem is we've got so many other problems that seem to go on at the same time, it's tough to get into those esoteric things. But it's a very serious question we should probably look at.

I vote aye.

ACTING PRESIDENT LITTLE: Thank you.

Senator Volker will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 558 are Senators Andrews, Breslin, Connor,

DeFrancisco, Diaz, Duane, Gonzalez, L. Krueger, Montgomery, Paterson, Savino, Schneiderman, Serrano and A. Smith.

Those Senators absent from voting: Senator Parker.

Ayes, 45. Nays, 14.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to reports of standing committees, there's a report of the Rules Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT LITTLE: Thank you.

The Secretary will read.

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

Senate Print 7193A, by the Senate Committee on Rules, an act in relation to the exemption.

ACTING PRESIDENT LITTLE: Senator Skelos.

SENATOR SKELOS: Madam President, move to accept the report of Rules Committee.

ACTING PRESIDENT LITTLE: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The report is accepted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could take up Calendar Number 627.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number 627, by the Senate Committee on Rules, Senate Print Number 7193A, an act in relation to the exemption for clothing and footwear from sales and compensating use taxes.

ACTING PRESIDENT LITTLE: Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Senator Schneiderman, to explain your vote.

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

This bill allows local governments the option to participate or not participate in the permanent sales tax exemption on clothing for items less than $110. This corrects what I felt and many of us felt was an omission from the budget last week.

Again, this is the kind of progressive tax cuts that my conference has favored, and I'm glad to see us following up on it. A lot better than some of the other proposals floating around there. We need to get tax cuts to the working people of this state. This will enable local governments to follow up on the sales tax for clothing under $110.

I will be voting yes. Thank you.

ACTING PRESIDENT LITTLE: Thank you.

Senator Schneiderman will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT LITTLE: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT LITTLE: No, there is not, Senator.

SENATOR SKELOS: Would you please recognize Senator Montgomery.

ACTING PRESIDENT LITTLE: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. I have a motion at the desk. I would like to have it called up at this time.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Senate Print 1305, by Senator Montgomery, an act to amend the Social Services Law.

SENATOR MONTGOMERY: I would like

to explain my motion.

ACTING PRESIDENT LITTLE: Thank you. To explain the motion, Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you.

Madam President, this is legislation that I have introduced along with my colleague in the Assembly, Assemblyman Bill Scarborough, which would very simply and specifically provide automatic Medicaid eligibility to independent foster-care adolescents who are under age 21 and who are in foster care on their 18th birthday.

This legislation is aimed to make sure that we do not leave young people who are aging out of foster care at the age of 18, between 18 and 21, without coverage for their healthcare and their mental health care under Medicaid.

The health and mental health services are extremely vital. And there are almost 1,000 -- according to one of the organizations that is supporting this legislation, COFCCA, they say that there are

almost 1,000 youth who leave foster care each year in New York State. And a majority of these leave to independent living, they are discharged to independent living.

They are young people who, as was found in a recent Casey Family Programs study, found that youth who are leaving foster care experience trauma symptoms at almost twice the rate of veterans of wars in Vietnam and Iraq. So these are young people who really need coverage, need healthcare.

And in addition, I have another statement from the Federation of Protestant Welfare Agencies, which is also supporting this legislation. And they stress that regular access to reproductive health services and prescription coverage are crucial to the young adult population, and their children also need coverage. Many of them leave foster care, they already have children, and the children need healthcare as well.

So this legislation seeks to protect those children in particular. It is not going to be costly to the state. It is supported by those organizations, as I have

named, COFCCA, Federation of Protestant Welfare Agencies, along with the NASW, the New York State Chapter, Citizens Committee for Children, and I have many other support letters for this legislation.

So I ask my colleagues to consider this. It's for our young people, for their protection. It's a small price to pay. And we all understand the importance of healthcare for teens, older teens. This just includes another group of young people who may or may not have had health coverage in their schools, because we don't have nearly enough school-based healthcare, but certainly they should have access to healthcare once they leave foster care.

So I thank you, and I hope my colleagues will join me in supporting this.

ACTING PRESIDENT LITTLE: Thank you. All those Senators in favor of the petition out of committee please signify by raising their hands.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Breslin, Connor, Coppola, Diaz, Dilan, Duane, Gonzalez,

Klein, L. Krueger, C. Kruger, Montgomery, Onorato, Oppenheimer, Paterson, Sabini, Savino, Schneiderman, Serrano, A. Smith, M. Smith, Stachowski, Stavisky and Valesky.

ACTING PRESIDENT LITTLE: The petition is not agreed to.

Senator Volker.

SENATOR VOLKER: Madam President, I just wanted to say that I was cleaning out, believe it or not, my office this weekend, for the first time in a decade or so, and I did realize that -- I came up with some material, and I realized that today is the anniversary of John Brendan Daly's death, April 3, 1999.

It's for -- most of you knew John; he was a very close friend of mine. And ironically, he lived on Lancaster Street, right up from where I stay. And one of the his tenants was the former Senator or late Senator Patricia McGee, who died April 2nd of 2005.

I also noticed that the Pope died on the same day, Pope John Paul II, and I said I firmly believe the Pope waited for Pat McGee to die, because she died earlier, and then

said, I guess it's time for me to go too.

But I remember -- I still have troubles with Lancaster Street, because I think of some nights when I went there rather late when the light was on and the three of us had a few -- a few imbibing pops and so forth.

But I do want to say that I've often said that there's an old saying that John Wayne had in a movie, and he said -- they said, "Those people are dead," and he said: "No, they're really not dead." As long as the Senate is around, those people will still be around with us.

So I just wanted to say we could terminate the Senate today with the thought of Patricia McGee and John Daly.

Thank you.

ACTING PRESIDENT LITTLE: Thank you, Senator Volker.

Senator Skelos.

SENATOR SKELOS: Thank you very much, Senator Volker.

Madam President, there being no further business to come before the Senate, I move we stand adjourned until Tuesday,

April 4th, at 3:00 p.m., in memory of Senators Patricia K. McGee and John B. Daly.

ACTING PRESIDENT LITTLE: On motion, the Senate stands adjourned until Tuesday, April 4th, at 3:00 p.m., in memory of Senators Patricia McGee and John Daly.

(Whereupon, at 3:45 p.m., the Senate adjourned.)