NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:12 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 Rabbi Carlos C. Huerta, chaplain, the United States Corps of Cadets at West Point.

RABBI HUERTA: Let us pray.

Father, we come today to these hallowed halls to honor the United States Military Academy at West Point.

But let us not make a mistake; we come not to honor that cement and granite overlooking the Hudson, because ultimately cement and granite is only cement and granite. We come to honor the Academy, we truly come to honor the lives of those men and women who walk through those halls of cement and granite, that made them hallowed.

When we come to honor the Academy,

we come to honor those brave men and women, American sons and daughters, who still to this day continue to walk those hallowed halls. We honor them not because they belong to an exclusive class or club. If they have privilege, it's the privilege earned by self-sacrifice and service. If they have privilege, it's the privilege earned by honor and personal courage. If they have privilege, it is the privilege they earn by putting themselves in harm's way to meet our nation's enemies on foreign battlefields and, if You so will it, lay down their lives for our nation and our freedom.

They willingly do it so we can be free, free to live our lives from terror, free so that men and women can come together in places like this to enable laws and enact legislation that reflect Your justice, love and mercy.

On this very day 38 years ago, our nation was deep mourning. We mourned because the king of dreams was killed. We mourned because we had not yet realized his dream of freedom.

So today, let us reach out to each other as a nation -- one people, one heart -- and work towards that dream of freedom. As Dr. King said, let freedom ring from every mountainside. From the mighty mountains of New York to our borders with Mexico, let freedom and justice ring. From the Stone Ridge Mountain of Georgia to the Basin Street in New Orleans, let freedom ring.

But not only there. Let it ring from the streets of Baghdad and Mosul to the streets of Kandahar and Kabul. Let freedom ring from every village and hamlet, from every city, state and country.

Then we will be able to speed up that day when all of God's children -- black, white, red, brown -- when every Jew, Christian, Muslim, Hindu, Buddhist, when men, women and children of all faiths and backgrounds will be able to hold hands and sing, in the words of the old Negro spiritual: Free at last, free at last, thank God Almighty, we're free at last.

THE PRESIDENT: Please be seated.

Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, April 4, the Senate met pursuant to adjournment. The Journal of Monday, April 3, 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, there is a resolution at the desk by Senator Breslin. 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 Breslin, Bruno, Larkin and all members of the

Senate, Legislative Resolution Number 4430, mourning the untimely death of Captain Timothy Moshier of Bethlehem, New York, and paying tribute to his courageous actions as a member of the United States Army.

"WHEREAS, The courage and bravery of our military personnel since the United States Armed Forces commenced Operation Iraqi Freedom will ensure our continued role as a nation which embodies the ideals of democracy, and as a defender of liberty for people throughout the world; and

"WHEREAS, Members of the armed services of the State of New York, who have served so valiantly and honorably during Operation Iraqi Freedom, deserve a special salute from this Legislative Body; and

"WHEREAS, It is with feelings of deepest regret that this Legislative Body mourns the untimely death of Captain Timothy Moshier of Bethlehem, New York, and pays tribute to his courageous actions as a member of the United States Army; and

"WHEREAS, Timothy Moshier, a 1998 Bethlehem High School graduate, died Saturday,

April 1, 2006, at the age of 25, defending his country; and

"WHEREAS, After graduating from high school, Timothy Moshier was admitted to the United States Academy at West Point; and

"WHEREAS, Friends and family fondly remember Timothy Moshier, who, as he was growing up, was always a big kid, and even at 6 foot 2 inches, was also very kind and extremely gentle, traits he carried into adulthood; and

"WHEREAS, Timothy Moshier rose to the esteemed rank of captain, piloting some of the most complicated and temperamental machines in the military. As his responsibilities grew, his commitment to serve his country deepened and deepened; and

"WHEREAS, Captain Timothy Moshier is survived by his beloved wife, Katherine, his precious 10-month-old daughter, Natalie, his parents, James and Mary Ellen Moshier, and his sister, Lauren; and

"WHEREAS, The banner of freedom will always wave over our beloved New York and all of America, the land of the free and the

home of the brave; and

"WHEREAS, Residents of this great state must never forget the courage with which these men and women served their country, and must recognize that no greater debt is owed than that owed to those who gave their lives for their beloved nation and to those who continue to be missing in action; and

"WHEREAS, The freedoms and security we cherish as Americans come at a very high price for those serving in the military in times of conflict. It is fitting and proper that we who are the beneficiaries of those who risk their lives, leaving their families behind, express our appreciation and eternal gratitude for their sacrifices and courageous acts; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the untimely death of Captain Timothy Moshier of Bethlehem, New York, and to pay tribute to his courageous actions as a member of the United States Army; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted

to the family of Captain Timothy Moshier."

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Thank you, Madam President.

On this day of celebration, West Point Day, it's also a deep day of mourning, as we have lost one of the most courageous young men among us. It shows all of us that freedom truly is not free.

And as we mourn Tim, we should think of us as a country and what it means and what he represented for us. And our thoughts, prayers and condolences go out to the entire family: Mary Ellen, James, and Lauren in our gallery.

Thank you, Madam President.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President.

And I would just like to add my condolences to Mr. and Mrs. Moshier, to Lauren, Katherine, the captain's wife, and express our gratitude to you as parents, part of the family, for having participated in the life of an individual who went through what a

lot of these young people up here are presently going through, but truly distinguished himself, which is a credit to himself, to your family, to this entire community, this state and this country.

And he is a hero, and he will be remembered for the good works that he did. And again, we can only express as well as we can express how badly we feel at such a loss. And words don't say it and can't cover it. But if there's any gratification, it's that this young men committed himself, dedicated himself, so that millions of people throughout the world can live a free life.

Thank you, Madam President.

THE PRESIDENT: So on behalf of the Governor and the people of this state, I want to extend our deep, deepest sympathy for you on the loss of your son and your brother. He will always be remembered and revered as a hero who made the ultimate sacrifice in outstanding service to his country.

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.

Again, our deep sympathy to you and your family.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe there is another resolution, by Senator Larkin, at the desk. I would ask that that resolution 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 4424, memorializing Governor George E. Pataki to proclaim April 5, 2006, 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 5, 2006, 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 the State of New York, 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, 54 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 5, 2006, 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 5, 2006, 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, cadets.

It really is an honor and a privilege for all of us here. This is a very special day, the Governor proclaims April 5th as West Point Day. It means more and more, it seems, every year; many of us have been here before.

But our Lieutenant General Lennox, who has been at West Point as a graduate in '71, and for the past five years has led that greatest of all institutions here in the United States.

So we welcome you here with honor and with the respect that all of you individually and collectively deserve.

And to General Lennox, who is going to move into another passage of his life -- after, I believe, this year, June of this year. So we will miss you. But you have

brought recognition, additional recognition and honor by the role model that you represent to these cadets and to people throughout this state and throughout the country.

Because when you are top man at West Point, that is a distinction that not too many people get. Having graduated with a doctorate from Princeton in literature, you truly are a role model for everybody. I'm sure the cadets recognize that, as we do here.

So thank you for your service and for all the good things that you bring to the Academy and to us.

And to the cadets who are here, led by First Captain Stephanie Hightower, from Rio Rancho, New Mexico -- is that correct? Maybe you might want to stand up for a second.

She's the first captain leading this.

(Applause.)

SENATOR BRUNO: And, Captain, let me tell you that while every single individual there is someone that all of us can respect and honor and admire just for being there, but you -- I've got to tell you, when I was

visiting with you earlier, I couldn't believe -- I don't know if Stephanie weighs a hundred pounds. And she has to captain a troop like this. That takes some special doing. And we're going to hear a little more about Stephanie as we move along.

I am also honored with T.J. McHugh, who is here as a representative from Ballston Spa -- T.J., congratulations to you -- in my district. And again, I'm about as proud of you as I can be. And you're going to be accompanied by Arthur Murphy, who is here, who is now a senior at La Salle, I believe, and will be joining West Point next year, thank you.

And it really is an honor when someone that you're close to is able to accomplish what you accomplish. We just heard Captain Moshier's history, a short life, coming through the ranks. We're all very conscious -- this year more than any other, maybe -- of really the courage, bravery, strength that you have to get where you are, to reach that kind of distinction.

But where you're going through

life, you will always, through your life, be a graduate of West Point. That sets you apart from everybody and anyone else.

When you look back to the early 1800s -- 1802, I believe the general was indicating, West Point went up. And we talk about the granite and you talk about the rocks and you talk about the mighty river running in front of West Point. And as the rabbi so aptly said, it's the people that make it. You are the granite. You are the fortitude. You are the strength of that institution.

And as you go on through life, we all will respect and admire, all of us, everyone whose life you touched and touch as you move along. So we thank you for your courage, thank you for your strength. Thank you for doing what others can't do for themselves, being out there in the front lines, prepared to do whatever it takes in the front lines, if that's where you end up, protecting people and maintaining the freedom that this country was built on.

So thank you.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Thank you, Madam President.

Thank you very much, Senator Bruno, for your outstanding evaluation of the Corps of Cadets and what they mean to our country.

And thank you, Senator Breslin, for your presentation of a resolution supported by everyone of us in honor of a true West Pointer, a proud New Yorker, and a name we'll never forget.

You know, I've had the privilege for 28 years to sponsor a resolution for West Point. As I said earlier today to some of the cadets, I was very fortunate. The day I retired, the Army was in good hands, because General Lennox reported to West Point. I felt that I was well taken care of, and so was the Army, because he was also a New Yorker.

But you know, when you talk about the cadets, you talk about those of us who took the easy way out and went to OCS. I just said to the cadets this morning, in all my time on active duty I only met one member of the Long Gray Line that I had a little bit of question about him. He was a great leader,

but when he started taking white glove inspections after being out in the field for three weeks, his wife told him: Get a new job.

But you know, today you're led by General Lennox. Look at his career, distinguished from the day he graduated from West Point and he went to the state of Colorado.

But you know, when you start to look at the Long Gray Line and you look at the State of New York, we're kind of proud here, especially from our own folks that are here. We've even got -- Senator Bruno's got cadets at the La Salle Institute, one at West Point. The Murphy boys will be going.

And we have some others, you know. I'd like to make sure that everybody understands who they're here -- T.J.'s mom and dad are here, they're sitting up in the top here, one state trooper and one former state trooper.

We have Colonel Raczkowski, the assistant principal at La Salle, Susan Testo, the better half of Tom Testo, from La Salle.

We have the Murphys, mom and dad are here, joining with us. And we have a member of our staff here who's there with their young son.

So that tells you that people from this area thrive to look at West Point for what it means. It's a model. You are the exemplary model. You can talk about anything you want -- the media talks about the bad war, this war, but they don't talk about the outstanding contributions that your colleagues have done, the hospitals they built, the schools they built, the children that they've nursed back together again.

West Point is more than just a university on a hill. It's more than people with the Long Gray Line or our dedicated parades and our soon-to-be-recognized-again national football under Ross. We'll make it.

But you know, I noticed the engineering, the castles this morning. And all of the castles have to be proud, because the father of West Point, Sylvanus Thayer, was an engineer officer.

And as you look about it, just think about what West Point has produced. Two

United States presidents. We've only had five five-star generals; four of them came from West Point. The architect and builder of the Panama Canal. The first American to walk in space. Eighty Congressional Medal of Honor winners. Eighty-two Rhodes Scholars. Three Heisman Trophy winners, as well as we know the number of leaders in government.

This is home. This is something special. When you think of some of the people that went there -- Grant, MacArthur, Schwarzkopf, Eisenhower, Patton, names that are in history books -- the history that you're learning today was written by them. Ten years from now, cadets at West Point will be remembering you, because you'll probably be back teaching there, you'll be teaching them what you learned from your former professors and what you've learned on active duty.

You know, it's really special when you look at General Lennox, his career. Distinguished. And we take in America and bring somebody to West Point and say to them: For the next five years, you're going to be the father, the spiritual leader, you're going

to be everything else.

But there's a person missing here today, Madam President: Mrs. Anne Lennox. General Lennox came to West Point in 2001, just before 9/11. June; correct? It was a trying day at West Point. On that Saturday we had the blackout, a ceremony honoring -- because there were a number of cadets whose families were killed and wounded as the plane hit the Pentagon. And a lot of those young cadets were worried about their families. So Mrs. Lennox became a mother, as she has all these five years, to all of them, being responsible to them in their times of need.

So, General Lennox, she may be missing in a body picture, but she's here and we will never forget the contribution she made to the cadets at West Point and to New York State as a whole.

Now, I think it's appropriate that we would introduce our cadets. These are the future leaders. We have eight members of the Class of '06. I asked one how many days, and they said: "How about if I tell you how many minutes?"

(Laughter.)

SENATOR LARKIN: This isn't a normal graduation. Everyone in this class that's graduating know what the future looks to them. But they made it, a grueling four years. No two months off in the summer, a month here and a month there. They put up with it through thick and thin. And they are class. They are America's finest, and I salute you.

I'd like to have them stand up as we introduce -- we've already had a talk about it.

First Captain, from the great state of New Mexico, Stephanie Hightower.

FIRST CADET CAPTAIN HIGHTOWER: Senator Larkin also asked that the members of the Class of 2006 that are graduating this year state the branch that you will be entering as well as the post you'll be going to upon graduation.

I'm entering the Army Medical Corps, and I'm going to medical school at Duke University Medical Center.

(Applause.)

SENATOR LARKIN: Cadet Christopher Beeler.

Cadet Matthew Boise.

Cadet John Burns.

CADET BURNS: Ladies and gentlemen, I'll be commissioned in the armor branch, and I'm going to Fort Benning, Georgia.

SENATOR LARKIN: Fort Benning, Joe. Queen of battle.

Cadet Dainis Butners, from Valatie.

Cadet Louis Cascino, from my home.

CADET CASCINO: Ladies and gentlemen, my name is Lou Cascino. I'll be commissioned in the armor branch, and I'm going to Schofield Barracks, Hawaii.

SENATOR LARKIN: Hawaii, how about that.

Cadet Tony Ciaffone.

Cadet William Denn.

CADET DENN: Good morning, ladies and gentlemen. I'm also going to be commissioned as an armor officer, and I'll be stationed at Fort Carson, Colorado.

SENATOR LARKIN: Cadet Daniel

Denn.

Cadet Patrick Dowdell.

CADET DOWDELL: Ladies and gentlemen, I'll be entering the field artillery branch, stationed at Fort Hood, Texas.

SENATOR LARKIN: Cadet George Hermogeno, from West Point.

CADET HERMOGENO: Ladies and gentlemen, I'll be entering the air defense command, and I'll be stationed in Hanau, Germany.

SENATOR LARKIN: Cadet Kristina Jantzen.

CADET JANTZEN: Ladies and gentlemen, I'll be entering the corps of engineers, and I'll be stationed at Fort Campbell, Kentucky.

SENATOR LARKIN: Cadet T. Jason McHugh.

Cadet Tommy Ryder.

CADET RYDER: Ladies and gentlemen, I'll be entering the engineer branch and going to Fort Campbell, Kentucky.

SENATOR LARKIN: Cadet Joshua

Thomas.

Ladies and gentlemen, this is our future leaders.

(Standing ovation.)

SENATOR LARKIN: When you look at and hear the news of what's going and you think for four years they've been preparing, the Class of 2006 -- they will leave here at the end of May and spread out across the world. Some of them we'll read about in the years to come.

Cadet Hightower, we look for great things from you in the medical corps. The engineers, we look for you to make the new designs on bridges, that we won't only be using the tanks as suppressors, but we'll be using the power that we know how to build some of these. Air defense, we'll watch for you and what you're going to do to ballistic missile systems. But most importantly, the infantry, the queen of battle. We'll never forget you. You're the leaders.

You know, I just think it's a great day. I'm very proud to represent West Point. And they all know it here. Some of them give

me the needle, "the colonel." But on payday, they all want to borrow the money I get from that 23-year check.

(Laughter.)

SENATOR LARKIN: But nobody can express it any better than the Majority Leader did. Some of you don't know, he served in the 35th Infantry Regiment when we had regiments. He served in the 25th Infantry Division. They're called the Graybeards. I was younger than him; I served with the 27th, the Wolfhounds, the 25th Infantry Division. But as the young man going to Hawaii, Mr. Cascino, Senator Bruno and I went the hard way. We went to Korea.

But in this house, what an honor it is to have somebody, when we have people like you here, that he knows what his leaders were that came from West Point. And the respect he shows you today is the respect he's always showed to the military.

On behalf of all of my colleagues, I thank you from the bottom of my heart.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Just about everything's been said, but I think one thing ought to be said as well that hasn't been yet. I want to thank all of you for this reason.

Every day of week, we look at the media on TV or read the newspaper -- and even today, a high-ranking government official is arrested for a very heinous act. Business leaders stealing money from stockholders for their own personal gain. Sports heroes cheating, as far as the rules are concerned, to enhance their statistics.

And I keep thinking, where does it stop? Who do we look to? Who do we look to to show integrity and honor and people that do the right thing because it's the right thing?

And I want to thank you for being here, because I got my answer today.

You are the people that are doing the right thing. Duty, honor, and country. Ethical behavior, integrity, doing what's right. And you're a role model for everyone here, not only in this room but everyone throughout this country. You, like Captain Moshier, are people that don't think about

themselves first: Not myself first, but what is the right thing to do for our society.

So thank you for being here, for giving me the answer that I've been looking for over many, many months of horrible news and horrible indications of what human nature is becoming.

Congratulations on your success at West Point, and congratulations in advance for your incredible accomplishments that we all know are going to occur in the future.

Thank you.

THE PRESIDENT: The question now 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, I would like, with unanimous consent from the Senate, to ask General Lennox if he will address the Senate at this time.

THE PRESIDENT: General Lennox, I present you to the New York State Senate.

(Applause.)

GENERAL LENNOX: Thank you very much, Majority Leader Bruno, Minority Leader Paterson, Senator Larkin, and members of this distinguished body.

It is an honor for all of us to be here. But I accept the honor, not on behalf of just a small group here but all of the soldiers and the ordinary citizens that work at the Academy there and the 4200 cadets that are going to serve our country.

I'd like to turn the spotlight from me for just a second and, at the risk of turning their heads, talk a little bit about the group that we have here. And I do it because what we have here are a group of young men and women who have entered the Academy after 9/11, now, and know what they're getting into.

I want to introduce you to just a couple. You met Stephanie, who's from New Mexico. A great young lady, the third woman first captain.

Kristina Jantzen, one of 15 cadets with me, daughter of a '76 grad. And he graduated just prior to women coming into the Academy, and she's going to graduate at the 30th anniversary of women entering the Academy.

John Burns, who grew up on a dairy farm here in New York, with 3,000 cows. And Tommy Ryder, whose father was in the New York City Police Department for 25 years.

T.J. McHugh, whose parents are here, son of two New York State troopers. Mom retired with 24 years, father is still in uniform, 28 years. And he's captain of the JV lacrosse team.

And Pat Dowdell, whose father, New York City Fire Department Special Operations Command, was at the World Trade Center in '93 at the first bombing, out at Oklahoma City after that tragedy, and then was killed in 9/11. And Pat worked Ground Zero for six months with the fire department and others, played the bagpipe at over 150 funerals, including his dad's, before entering West Point.

Half of them here have made the dean's list at one time or another -- I think it's a tribute to the New York State schools -- Chris Beller, Matt Boise, Lou Cascino, John Thomas. In fact, Josh has made it every time.

Matt Grinnell, two years of college at the University of Rochester, doing very well in ROTC, before coming to West Point.

George Hermogeno came to West Point through the prep school after being a soldier in the 82nd Airborne.

Dainis Butners, who's fluent in Latvian. Grandparents fled the Communist Red Carp and Stalin's NKVD. Grandfather received the Order of Three Stars, the highest Latvian award.

These are the experiences and the backgrounds that make West Point strong, but also make our Army strong.

We have Will and Dan Denn, both on the Model U.N. Team. Will just flew in from Beijing, where the team won its fourth world championship in a row. And the cadet in charge is also from New York.

And Anthony Ciaffone, celebrating his 21st birthday today. Last two years, he had math exams during his birthday. He's thrilled to be up here.

(Laughter.)

GENERAL LENNOX: Last year I talked about Katie Macfarlane, from Clarence High School near Buffalo, a real basketball star who led the team for four years.

This year's women's basketball team went to the NCAA, played a small midwestern college, Tennessee, and did fairly well. It was led by Micky Mallette, from Elmira Heights. And now she is also the second regimental commander, a leader in the corps.

New York cadets are breaking athletic records, winning distinguished scholarships, and leading the corps. We're proud of them and proud of our graduates. They're answering the call of war, and some not without sacrifice.

It's easy to talk about Captain Amy Bateman, Class of 2000, from Rochester, who deployed to Iraq in 2003 and during the battle of Karbala earned the Bronze Star for her work

as a communications officer.

It's a lot harder to talk about Tim Moshier, Class of 2002, from Bethlehem. Apache pilot with the Fourth I.D., a battle captain in ATOC, in Camp Taji near the Green Zone. A great deal of responsibility for a captain, but he handled it extremely well. We mourn Tim's loss, and our hearts are going out to you.

Leaders are made, not born. And that's what we do at West Point. We challenge them every day. Physically, intellectually, they achieve excellence. We instill the virtues of duty, honor and country. And we produce those leaders that our nation needs. And we bring in the best and the brightest.

And, Arthur, why don't you just stand up. Arthur Murphy, from LaSalle, Class of 2010, the next class coming in. The Long Gray Line is proceeding. We congratulate you, and we look forward to getting you up there. And his brother should be in the Class of 2011, right behind him. So congratulations.

I'd ask you all come and see us, come and see your Academy, talk to our cadets.

They'll inspire you. They inspire me every single day.

Thank you for the last five years. Thank you for your support for the Academy. Go Army!

(Standing ovation.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, I believe there is Resolution 4426, by Senator Larkin, at the desk. I would ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 4426, honoring Mrs. Anne Lennox upon the occasion of her designation for special recognition.

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 Bruno.

SENATOR BRUNO: Madam President, I believe there's another resolution by Senator Larkin, 4425. I would ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 4425, honoring the retirement of Lieutenant General William J. Lennox, Jr., Superintendent of the United States Military Academy at West Point.

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 Bruno.

SENATOR BRUNO: Madam President, may I suggest that all of the members here in the chamber be put on all of these resolutions that we've just passed. Unless anyone wishes

to have their name struck, and then you would approach the desk.

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

Senator Bruno.

SENATOR BRUNO: And, Madam President and colleagues, this concludes the formal part of our West Point Day here. There will be a reception shortly after, with the cadets and the general and their assistants.

I would suggest that, as the cadets exit the chamber, that we take a short recess.

Thank you.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 11:53 a.m.)

(Whereupon, the Senate reconvened at 11:58 a.m.)

SENATOR SPANO: Madam President.

ACTING PRESIDENT YOUNG: Senator Spano.

SENATOR SPANO: Madam President, can you call the house back to order, please.

ACTING PRESIDENT YOUNG: The house will come to order.

SENATOR SPANO: I would please ask that we return to motions and resolutions.

There are three resolutions at the desk by Senator Trunzo. Could we please ask that the titles be read and move for their adoption.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: By Senator Trunzo, Legislative Resolution Number 4431, commending Avette Ware upon the occasion of receiving the State University of New York Chancellor's Award for Student Excellence.

By Senator Trunzo, Legislative Resolution Number 4432, commending Katherine Signorelli upon the occasion of receiving the State University of New York Chancellor's Award for Student Excellence.

And by Senator Trunzo, Legislative Resolution Number 4433, commending Peter Ellison upon the occasion of receiving the State University of New York Chancellor's Award for Student Excellence.

ACTING PRESIDENT YOUNG: The question is on the resolutions. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: The resolutions are adopted.

Senator Spano.

SENATOR SPANO: There are three resolutions by Senator Johnson at the desk. I would ask that the titles be read and move for their immediate adoption.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: By Senator Johnson, Legislative Resolution Number 4434, commending Jose Blanco upon the occasion of receiving the State University of New York Chancellor's Award for Student Excellence.

By Senator Johnson, Legislative Resolution Number 4435, commending Michael Williams upon the occasion of receiving the State University of New York Chancellor's

Award for Student Excellence.

And by Senator Johnson, Legislative Resolution Number 4436, commending Tom Jordon upon the occasion of receiving the State University of New York Chancellor's Award for Student Excellence.

ACTING PRESIDENT YOUNG: The question is on the resolutions. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: The resolutions are adopted.

Senator Spano.

SENATOR SPANO: Madam President, there's a resolution by Senator Fuschillo at the desk. I ask for the title to be read and move for its immediate adoption.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: By Senator Fuschillo, Legislative Resolution Number 4437, commending Michael Accurso upon the occasion

of receiving the State University of New York Chancellor's Award for Student Excellence.

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

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: The resolution is adopted.

Senator Spano.

SENATOR SPANO: There's a resolution by Senator LaValle at the desk. May I ask for the title to be read and move for its immediate adoption.

ACTING PRESIDENT YOUNG: Thank you, Senator Spano.

The Secretary will read.

THE SECRETARY: By Senator LaValle, Legislative Resolution Number 4438, commending Theresa O'Keefe upon the occasion of receiving the State University of New York Chancellor's Award for Student Excellence.

ACTING PRESIDENT YOUNG: The

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

(Response of "Aye.")

ACTING PRESIDENT YOUNG: Opposed, nay.

(No response.)

ACTING PRESIDENT YOUNG: The resolution is adopted.

Senator Spano.

SENATOR SPANO: Madam President, can we now move to the reading of the noncontroversial calendar.

ACTING PRESIDENT YOUNG: The Secretary will read.

THE SECRETARY: Calendar Number 382, by Senator Farley, Senate Print 2858A, an act to amend the Environmental Conservation Law, in relation to making technical corrections thereto.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 411, by Senator Little, Senate Print 3376D --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT YOUNG: The bill is laid aside.

THE SECRETARY: Calendar Number 444, by Senator Larkin, Senate Print 417, an act to amend the Penal Law, in relation to obscene sexual performance by a child.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 10. This act shall take effect on the first of November.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 445, by Senator Saland, Senate Print 469, an act to amend the Criminal Procedure Law, in relation to authorizing child witnesses.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 446, by Senator Saland, Senate Print 470, an act to amend the Criminal Procedure Law, in relation to expanding.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first day of the calendar month next succeeding.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 448, by Senator Alesi, Senate Print 965, an act to amend the Penal Law, in relation to endangering the welfare of a child.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT YOUNG: Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Madam President.

This bill includes within the crime of endangering the welfare of a child when a person commits an alcohol-related traffic offense in the presence of a minor. And that's a very good idea.

I have to assume, though, that people who drive drunk with children probably have an alcohol addiction. And I'm guessing that children who live in that kind of a household with an active alcoholic probably live in a very scary and chaotic atmosphere.

Now, obviously alcoholics need treatment, and a child from an alcoholic home needs mental health services. But chances are in New York State neither one can get the mental health and chemical addiction treatment that they need. And yet we've gone a whole week here in the State Senate without passing Timothy's Law.

So I don't know why we don't pass it. It's a mystery to me. We don't have any trouble arresting an alcoholic when they drive under the influence, and I agree with that. But we also need to help deter that from happening by providing treatment. And that's why we need to pass Timothy's Law this session.

I vote yes, Madam President.

ACTING PRESIDENT YOUNG: Thank you, Senator Duane. You will be recorded in

the affirmative.

Announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 451, by Senator LaValle, Senate Print 1626, an act to amend the Criminal Procedure Law, in relation to commission.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 456, by Senator Spano, Senate Print 2898, an act to amend the Penal Law, in relation to reckless assault.

ACTING PRESIDENT YOUNG: Read the last section.

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

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

THE SECRETARY: Calendar Number 459, by Senator Golden, Senate Print 6552, an act to amend the Penal Law, in relation to promoting prostitution.

ACTING PRESIDENT YOUNG: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the first of November.

ACTING PRESIDENT YOUNG: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT YOUNG: The bill is passed.

Senator Spano.

SENATOR SPANO: Madam President, we're going to lay Calendar 411 aside for the day.

Is there any other business before the house?

ACTING PRESIDENT YOUNG: The bill is laid aside for the day.

There is no further business before the house.

SENATOR SPANO: Madam President, there being no further business, I move that we adjourn until Monday, April 10th, at 3:00 p.m. Intervening days will be legislative days.

ACTING PRESIDENT YOUNG: On motion, the Senate stands adjourned until Monday, April 10th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:06 p.m., the Senate adjourned.)