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ALBANY, NEW YORK

April 25, 1995

3:03 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY, President

STEPHEN F. SLOAN, Secretary

1 P R O C E E D I N G S

2 THE PRESIDENT: The Senate will  
3 come to order. Would everyone please rise and  
4 repeat with me the Pledge of Allegiance.

5 (Whereupon, the Senate and those  
6 present joined in the Pledge of Allegiance to  
7 the Flag.)

8 The invocation today will be  
9 given by the Reverend Peter G. Young of the  
10 Blessed Sacrament Church in Bolton Landing.

11 Reverend Young.

12 REVEREND FATHER PETER G. YOUNG:

13 Let us pray.

14 May all of the Senators in this  
15 house pray for the hungry, the homeless, those  
16 that are denied dignity, and those that have no  
17 hope, that this legislative body will improve  
18 their condition and that our compassionate  
19 efforts will remove the causes of their  
20 suffering.

21 We pray this in Your name, now  
22 and forevermore. Amen.

23 THE PRESIDENT: Amen.

1                   The reading of the Journal,  
2           please.

3                   THE SECRETARY: In Senate,  
4           Monday, April 24th. The Senate met pursuant to  
5           adjournment, Senator Kuhl in the chair upon  
6           designation of the Temporary President. The  
7           Journal of Sunday, April 23rd, was read and  
8           approved. On motion, Senate adjourned.

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

11                   Presentation of petitions.

12                   Messages from the Assembly.

13                   Messages from the Governor.

14                   Reports of standing committees.

15                   Reports of select committees.

16                   Communications and reports from  
17          state from officers.

18                   Motions and resolutions.

19                   Senator Bruno, are you ready for  
20          the resolution calendar?

21                   SENATOR BRUNO: Yes, Madam  
22          President. At this time, I would like to adopt  
23          the Resolution Calendar.

1 THE PRESIDENT: All in favor of  
2 adopting the Resolution Calendar signify by  
3 saying aye.

4 (Response of "Aye.")

5 Opposed, nay.

6 (There was no response.)

7 The Resolution Calendar is  
8 adopted.

9 Senator Bruno.

10 SENATOR BRUNO: Madam President.

11 I believe there is a resolution at the desk.  
12 We'd appreciate having it read in its entirety  
13 and move for its immediate adoption.

14 THE PRESIDENT: The Secretary  
15 will read.

16 THE SECRETARY: By Senator Tully,  
17 Legislative Resolution, commending the 1995  
18 senior class of Henry Viscardi School,  
19 Albertson, New York, upon the occasion of their  
20 visit to the New York Legislature on Tuesday,  
21 April 25, 1995.

22 Whereas, it is the sense of this  
23 legislative body that the character and quality

1 of life in this great Empire State is abundantly  
2 enriched by organizations which selflessly serve  
3 to promote the health and welfare of the  
4 citizenry; and

5           Whereas, this Legislative Body is  
6 justly proud to commend the 1995 senior class of  
7 Henry Viscardi School, Albertson, New York, upon  
8 the occasion of their visit to the New York  
9 State Legislature on Tuesday, April 25, 1995;  
10 and

11           Whereas, Henry Viscardi School,  
12 previously known as Human Resources School, has  
13 been providing a high quality education for  
14 children with orthopedic, health, and multiple  
15 disabilities for over 25 years; and

16           Whereas, the school is a division  
17 of the National Center of Disability Services,  
18 Henry Viscardi School is located on a 15-acre  
19 campus in Nassau County; and

20           Whereas, Henry Viscardi School  
21 offers an outstanding educational, social, and  
22 therapeutic experience for children ages 3  
23 through 21; its high academic standards have

1       resulted in a 70 percent college entrance rate,  
2       thus exceeding the national average for all  
3       students graduating high school in the United  
4       States; this high standard is achieved with a  
5       highly-trained staff working in small classes,  
6       in a modern facility with access to a wide range  
7       of modern technology equipment; and

8                       Whereas, the faculty of Henry  
9       Viscardi School along with Dr. Andrew Rothstein,  
10      Superintendent of Schools, are committed to  
11      actively promoting and nurturing a full and  
12      comprehensive program for all students; and

13                      Whereas, the 1995 senior class  
14      includes Peter Almodovar, Bethany Chandler,  
15      Anabela Contente, Kenneth DiLauro, Melissa Male,  
16      Dean Mariano, Jennifer McNair, Michael Ruzalski,  
17      Bhavika Shah, Donald Sorokin, Christopher  
18      Tartaro, John Cervello, Georgette Sullivan,  
19      Luigi Dellapina, Ngozi Graham, Dina Ragavania,  
20      Karen Bond, Sabrina Caple, Tawn Farrell, Amy  
21      Wong, Michael Muller and Steven Anderson; now,  
22      therefore, be it

23                      Resolved, that this Legislative

1 Body pause in its deliberations to express its  
2 appreciation to Henry Viscardi School for meet  
3 ing the special needs of hundreds of children in  
4 New York State and to extend a warm welcome to  
5 the faculty and students on their visit to  
6 Albany; and be it further

7 Resolved, that copies of this  
8 resolution, suitably engrossed, be transmitted  
9 to the students and faculty of Henry Viscardi  
10 School.

11 THE PRESIDENT: Senator Tully.

12 SENATOR TULLY: Thank you, Madam  
13 President. Today, we have the high honor of  
14 hosting the senior class of the Henry Viscardi  
15 School and their Superintendent, Dr. Andrew  
16 Rothstein, as guests in our chamber. The Henry  
17 Viscardi School, based in Albertson, New York,  
18 specializes in educating students with severe  
19 physical disabilities from throughout the New  
20 York metropolitan area.

21 This year, the senior class  
22 decided to come to Albany to witness New York  
23 State government in action. These students,

1        whose special brand of strength and determina  
2        tion has enabled them to overcome their dis  
3        abilities and instead focus on their abilities  
4        and talents, are among the most gifted students  
5        that I ever met.

6                        This year's class has 23  
7        graduating seniors, all of whom have made  
8        post-graduation plans. Some have made plans to  
9        go on to college, and some have made plans for  
10       transition into vocational training programs.  
11       Whatever their intention, knowing these young  
12       adults and the school from which they come, each  
13       will be an important and productive member of  
14       society.

15                        Madam President, I hope you and  
16       all of my colleagues will join me in welcoming  
17       the senior class of the Henry Viscardi School to  
18       Albany.

19                        THE PRESIDENT: Thank you.

20                        The question is on the  
21       resolution. All in favor, signify by saying  
22       aye.

23                        (Response of "Aye.")

1 Opposed, nay.

2 (There was no response.)

3 The Resolution is adopted.

4 How about some applause.

5 (Applause.)

6 Senator Farley.

7 SENATOR FARLEY: Thank you, Madam  
8 President. On behalf of Senator Skelos, I move  
9 to amend his bill, Senate Print 397A, by  
10 striking out the amendments made on March 31st  
11 and restoring it to its original print number,  
12 397.

13 THE PRESIDENT: Amendments  
14 received.

15 SENATOR FARLEY: On behalf of  
16 Senator Hannon, Madam President, please remove  
17 the sponsor's star from Calendar 378.

18 THE PRESIDENT: The star is  
19 removed.

20 SENATOR FARLEY: Also, please  
21 commit Calendar Number 410 to the Committee on  
22 Finance.

23 THE PRESIDENT: Committed.

1 Senator DiCarlo.

2 SENATOR DiCARLO: Madam

3 President, I wish to call up Calendar 213,  
4 Assembly Print 1983A.

5 THE PRESIDENT: Secretary will  
6 read.

7 THE SECRETARY: Calendar 213, by  
8 Senator DeFrancisco, Senate Print 1287A, an act  
9 to amend the General Municipal Law, in relation  
10 to the sale of raffle tickets.

11 SENATOR DiCARLO: I now move to  
12 reconsider the vote by which this Assembly bill  
13 was substituted for Senator DeFrancisco's bill,  
14 Senate Print 1287A, on March 15.

15 THE PRESIDENT: The Secretary  
16 will call the roll on reconsideration.

17 (The Secretary called the roll on  
18 reconsideration.)

19 THE SECRETARY: Ayes 48.

20 THE PRESIDENT: The bill is  
21 before the house.

22 Senator DiCarlo.

23 SENATOR DiCARLO: I now move that

1 Assembly Bill Number 1983A be recommitted to the  
2 Committee on Local Government and that Senate  
3 bill be restored to the order of Third Reading  
4 Calendar.

5 THE PRESIDENT: Without  
6 objection.

7 We have two substitutions.

8 The Secretary will read.

9 THE SECRETARY: On page 4,  
10 Senator Trunzo moves to discharge from the  
11 Committee on Civil Service and Pensions Assembly  
12 Print Number 6228 and substitute it for the  
13 identical Senate Bill, Calendar 487.

14 On page 4, Senator Hoblock moves  
15 to discharge from the Committee on Corporations,  
16 Authorities and Commissions, Assembly Bill  
17 Number 5034, and substitute it for the identical  
18 Senate bill number, Calendar 489.

19 THE PRESIDENT: Substitutions  
20 ordered.

21 Senator Volker, are you ready for  
22 the noncontroversial Calendar?

23 SENATOR VOLKER: Yes, Madam

1 President. At this time, I would like to take  
2 up the noncontroversial calendar, please.

3 THE PRESIDENT: Secretary will  
4 read.

5 THE SECRETARY: On page 11,  
6 Calendar Number 35, by Senator Levy, Senate  
7 Print 379, an act to amend the Vehicle and  
8 Traffic Law, in relation to the suspension and  
9 restoration of a driver's license following a  
10 second or subsequent DWI conviction.

11 THE PRESIDENT: Read the last  
12 section.

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

16 THE PRESIDENT: Call the roll.  
17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 48.

19 THE PRESIDENT: The bill is  
20 passed.

21 THE SECRETARY: Calendar Number  
22 65, by Senator Kuhl, Senate Print 1475, an act  
23 to amend the Agriculture and Markets Law.

1 THE PRESIDENT: Lay it aside,  
2 please.

3 THE SECRETARY: Calendar Number  
4 77, by Senator Levy, Senate Print 328A, an act  
5 to amend the Public Authorities Law and the  
6 Railroad Law, in relation to operating a  
7 self-propelled rail passenger car.

8 SENATOR PATERSON: Lay it aside.

9 THE PRESIDENT: Lay it aside,  
10 please.

11 THE SECRETARY: Calendar Number  
12 201, by Senator Saland, Senate Print 2111, an  
13 act to amend the Executive Law and the Family  
14 Court Act, in relation to support of children in  
15 the Division for Youth.

16 THE PRESIDENT: Read the last  
17 section, please.

18 THE SECRETARY: Section 4. This  
19 act shall take effect on the 100th day.

20 THE PRESIDENT: Call the roll,  
21 please.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 49.

1 THE PRESIDENT: The bill is  
2 passed.

3 THE SECRETARY: Calendar Number  
4 209, by Senator Johnson, Senate Print 2724A, an  
5 act to amend the Environmental Conservation Law  
6 in relation to limiting access to commercial  
7 fisheries in marine waters.

8 THE PRESIDENT: Read the last  
9 section, please.

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

12 THE PRESIDENT: Call the roll,  
13 please.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 49.

16 THE PRESIDENT: The bill is  
17 passed.

18 THE SECRETARY: Calendar Number  
19 250, by Senator Holland, Senate Print 463, an  
20 act to amend the Social Services Law.

21 SENATOR PATERSON: Lay it aside.

22 THE PRESIDENT: Lay it aside,  
23 please.

1                   THE SECRETARY: Calendar Number  
2                   252, by Senator Holland, Senate Print 2469, an  
3                   act to amend the Social Services Law, in  
4                   relation to the conduct of hearings to  
5                   terminate, suspend, or diminish home relief  
6                   benefits.

7                   THE PRESIDENT: Read the last  
8                   section, please.

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

11                  THE PRESIDENT: Call the roll,  
12                  please.

13                  (The Secretary called the roll.)

14                  THE PRESIDENT: The results.

15                  THE SECRETARY: Those recorded in  
16                  the negative on Calendar Number 252 are Senators  
17                  Espada and Mendez. Ayes 47. Nays 2.

18                  THE PRESIDENT: The bill is  
19                  passed.

20                  THE SECRETARY: Calendar Number  
21                  281, by Senator Maltese, Senate Print 3085, an  
22                  act to repeal Subdivision 9 of Section 14-114 of  
23                  the Election Law, relating to contribution

1 limits.

2 THE PRESIDENT: Read the last  
3 section, please.

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

6 THE PRESIDENT: Call the roll,  
7 please.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 50.

10 THE PRESIDENT: The bill is  
11 passed.

12 THE SECRETARY: Calendar Number  
13 323, by Senator Johnson, Senate Print 2484, an  
14 act to amend the Environmental Conservation Law,  
15 in relation to restrictions on the use and type  
16 of fish pots or traps.

17 THE PRESIDENT: Read the last  
18 section, please.

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

21 THE PRESIDENT: Call the roll,  
22 please.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 50.

2 THE PRESIDENT: The bill is  
3 passed.

4 THE SECRETARY: Calendar Number  
5 326, by Senator Tully, Senate Print 3644, an act  
6 to amend the Public Authorities Law, in relation  
7 to the use of video conferencing equipment.

8 THE PRESIDENT: Read the last  
9 section, please.

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

12 THE PRESIDENT: Call the roll,  
13 please.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 50.

16 THE PRESIDENT: The bill is  
17 passed.

18 THE SECRETARY: Calendar Number  
19 333, by Senator Kuhl, Senate Print 3665, an act  
20 to amend the Agriculture and Markets Law, in  
21 relation to controlling plant and tree  
22 diseases.

23 THE PRESIDENT: Read the last

1 section, please.

2 THE SECRETARY: Section 5. This  
3 act shall take effect September 1.

4 THE PRESIDENT: Call the roll,  
5 please.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 51.

8 THE PRESIDENT: The bill is  
9 passed.

10 THE SECRETARY: Calendar Number  
11 335, by Senator Kuhl, Senate Print 3667, an act  
12 to amend the Agriculture and Markets Law, in  
13 relation to agricultural commodities eligible  
14 for marketing agreements and orders.

15 THE PRESIDENT: Read the last  
16 section, please.

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

19 THE PRESIDENT: Call the roll,  
20 please.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 51.

23 THE PRESIDENT: The bill is

1 passed.

2 THE SECRETARY: Calendar Number  
3 394, by Senator Tully, Senate Print 3285, an act  
4 to permit the reopening of the optional 20-year  
5 retirement plan to certain police officers in  
6 Sands Point, Nassau County.

7 THE PRESIDENT: There is a home  
8 rule message at the desk.

9 THE PRESIDENT: Read the last  
10 section, please.

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

13 THE PRESIDENT: Call the roll,  
14 please.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 52.

17 THE PRESIDENT: The bill is  
18 passed.

19 THE SECRETARY: Calendar Number  
20 398, by Senator Present, Senate Print 3531, an  
21 act to redistribute 1995 bond volume allocations  
22 made pursuant to Section 146 of the Federal Tax  
23 Reform Act of 1986.

1 THE PRESIDENT: Read the last  
2 section, please.

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

5 THE PRESIDENT: Call the roll.  
6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 54.

8 THE PRESIDENT: The bill is  
9 passed.

10 ACTING PRESIDENT KUHL: Senator  
11 Volker, that completes the noncontroversial  
12 calendar.

13 SENATOR VOLKER: We would like to  
14 have the controversial calendar now.

15 ACTING PRESIDENT KUHL: Secretary  
16 will read the controversial calendar.

17 THE SECRETARY: Calendar Number  
18 65, by Senator Kuhl, Senate Print 1475, an act  
19 to amend the Agriculture and Markets Law and the  
20 Vehicle and Traffic Law, in relation to  
21 exempting farm vehicles from Motor Vehicle  
22 financial security.

23 ACTING PRESIDENT KUHL: Lay the

1 bill aside for the day.

2 THE SECRETARY: Calendar Number  
3 77, by Senator Levy, Senate Print 328A, an act  
4 to amend the Public Authorities Law and the  
5 Railroad Law.

6 SENATOR PATERSON: Explanation.

7 SENATOR LEVY: Star it for  
8 amendment.

9 ACTING PRESIDENT KUHL: Star the  
10 bill at the request of the sponsor.

11 THE SECRETARY: Calendar Number  
12 250, by Senator Holland, Senate Print 463, an  
13 act to amend the Social Services Law, in  
14 relation to the disclosure of -- the disclosure  
15 of data obtained through the use of automated  
16 two-digit finger-imaging matching system.

17 ACTING PRESIDENT KUHL: Senator  
18 Holland, an explanation has been asked for by  
19 Senator Paterson.

20 SENATOR HOLLAND: Yes, Mr.  
21 President. This bill allows for the disclosure  
22 of information obtained from the finger-imaging  
23 program to be used in criminal investigations or

1 prosecutions resulting from multiple enrollment  
2 in home relief.

3 ACTING PRESIDENT KUHL: Chair  
4 recognizes Senator Paterson.

5 SENATOR PATERSON: Mr.  
6 President. Would Senator Holland yield for a  
7 question?

8 ACTING PRESIDENT KUHL: Senator  
9 Holland, do you yield for a question from  
10 Senator Paterson?

11 SENATOR HOLLAND: Yes.

12 ACTING PRESIDENT KUHL: Senator  
13 yields, Senator Paterson.

14 SENATOR PATERSON: Thank you very  
15 much, Senator Holland. There doesn't appear to  
16 be any evidence that fraud has been discovered  
17 through the finger-imaging system as it is right  
18 now, and so my question is, what is the purpose  
19 of this legislation, being that we haven't  
20 discovered any fraud through finger imaging?

21 SENATOR HOLLAND: Senator, I  
22 don't know how you can say that. The report  
23 from the Department of Social Services said we

1 saved all kinds of money and everybody is in  
2 favor of it, including your former Governor  
3 Cuomo, your former Commissioner of Social  
4 Services. Thirty-eight counties are now  
5 involved in it, and the only counties that are  
6 not -- that do not want to be involved in it  
7 come the 1st of June, are some lower population  
8 counties. Everybody believes, and rightly so,  
9 that this will save a lot of money.

10 ACTING PRESIDENT KUHL: Senator  
11 Paterson.

12 SENATOR PATERSON: Mr.  
13 President. I'm not denying that we've saved a  
14 lot of money. What I'm saying is that there  
15 hasn't been any fraud that's been discovered  
16 through the finger-imaging system. We may have  
17 saved money because individuals who may have  
18 committed fraud did not register. Now, this  
19 bill doesn't relate to the finger-imaging issue  
20 itself. It relates, actually, to the use of it  
21 in criminal investigations and in criminal  
22 cases.

23 So I would ask you, Senator

1 Holland, if you would like to address that part  
2 of the question that I'm asking?

3 SENATOR HOLLAND: Well,  
4 originally in finger-imaging, Senator, you know  
5 there were only two counties involved. They  
6 were Rockland and Onondaga County. The State  
7 Department of Social Services found that there  
8 were people eliminated from the program because  
9 of finger-imaging.

10 Now, as you say, this is a new  
11 thing. We haven't prosecuted anybody. Maybe we  
12 won't have to, Senator. Maybe you're right. I  
13 hope you're right. I think you're wrong. But  
14 if there are people who are stealing from the  
15 welfare and Medicaid system, they should be  
16 prosecuted. That's all this bill says, if we  
17 catch people who are multiple dippers, that we  
18 can prosecute them; and if nobody's been found  
19 before, that's great. If nobody's found in the  
20 future, that's even better, but I don't believe  
21 that's true.

22 SENATOR PATERSON: Thank you very  
23 much, Senator Holland.

1                   Mr. President, if Senator Holland  
2 would continue to yield.

3                   ACTING PRESIDENT KUHL:  Senator  
4 Holland, do you continue to yield?

5                   Senator continues to yield.

6                   SENATOR PATERSON:  Senator  
7 Holland, it was my understanding when we acted  
8 on the finger-imaging bill last year that we  
9 weren't going to use this information for  
10 anything other than having it in the welfare  
11 system itself.  Now we've taken it outside the  
12 system and we're allowing it to be used in  
13 criminal investigations and also in  
14 prosecutions.  Why the change?

15                   SENATOR HOLLAND:  You are  
16 correct, Senator.  Actually, in the budgets in  
17 '92 and '94, the budget said people would not  
18 be prosecuted.  I guess people have come to the  
19 realization that if people are stealing from  
20 you, they really should be prosecuted, and that  
21 was originated by a number of people, including  
22 the mayor of the city of New York; and all we're  
23 saying is, that if somebody is stealing from the

1 Medicaid and welfare system and we catch them  
2 because of finger-imaging, then we can share  
3 that information with the district attorney and  
4 prosecute them if necessary.

5 SENATOR PATERSON: Mr. President,  
6 if Senator Holland will continue to yield.

7 ACTING PRESIDENT KUHL: Senator  
8 Holland, do you continue to yield?

9 Senator continues to yield.

10 SENATOR PATERSON: Senator  
11 Holland, let's leave prosecution out of it,  
12 because at the point that we're prosecuting  
13 individuals, they have already been presumably  
14 indicted. There has already been an arrest.  
15 There has been an arraignment. But much of the  
16 funding that prosecutors' offices use are  
17 actually for investigation.

18 And what we are doing through  
19 this bill -- and it was in the discussion of the  
20 finger-imaging bill in 1994 between yourself and  
21 Senator Waldon, where Senator Waldon warned  
22 everybody in this chamber that this would be a  
23 natural result of passing the finger-imaging

1 bill in 1994, would be the use of this data for  
2 investigation purposes. Now, when we are  
3 investigating an individual, we have a suspicion  
4 but we don't have proof and we haven't even made  
5 a charge. Why would we be using the results of  
6 finger-imaging which was not obtained through  
7 any criminal source or any particular position  
8 that the person was seeking that caused them to  
9 be finger imaged but just the fact that they  
10 were a person in need and a person who  
11 unfortunately became a client of our social  
12 service system? Why would we use that  
13 information to conduct an investigation where  
14 quite possibly the fact that we have the finger  
15 image is a presumption that could often become a  
16 catalyst for the investigation?

17 SENATOR HOLLAND: Senator, I just  
18 don't understand that kind of logic. We're not  
19 doing any investigations. People come in to  
20 Department of Social Services in one or more  
21 locations with one or more identification and  
22 they say they are one or more different people.  
23 We're not going out and investigating them.

1 They're coming in. They are not people who are  
2 in need; or if they are in need, maybe they  
3 should collect once instead of two or three  
4 times.

5 All we're saying is, people who  
6 are ripping off the system by saying they are  
7 you and then they are me or other people -- and  
8 there are many cases of this -- should be -  
9 that information should be available to the  
10 district attorney. I can't understand why you  
11 would not think that that doesn't make logical  
12 sense.

13 ACTING PRESIDENT KUHL: Senator  
14 Paterson.

15 SENATOR PATERSON: Mr.  
16 President. I wonder why we don't finger image  
17 everybody, because we have a number of criminal  
18 investigations that we conduct of any citizen;  
19 and it would actually, I would concede, be more  
20 effective if we fingerprinted everybody in the  
21 whole country. That way we would have a record  
22 that we could measure any finger images that we  
23 take against any citizen; and provided that

1 we're able to match them up, that would really  
2 create a great opportunity for investigation in  
3 our criminal justice system, and I don't say  
4 that semantically or cynically. I'm saying that  
5 that's actually true.

6 But we happen to be living in  
7 America. Maybe, if we were living in Bosnia,  
8 this might be a good idea, but we're living in  
9 America; and, right now, we have a presumption  
10 of innocence that presides over our criminal  
11 justice system, and all these individuals have  
12 done is seek social services because,  
13 unfortunately, we have more people without food,  
14 without family, without homes, than at any time  
15 in this state since the Great Depression. The  
16 fact that that exists does not, in my opinion,  
17 grant us the same right to fingerprint an  
18 individual as there would be in a case where  
19 they have a prior record where we keep their mug  
20 shots and their fingerprints forever, because  
21 the person put themselves in that position; and in  
22 cases where people seek high government jobs or  
23 jobs that are a risk to security, they have

1           undertaken going into an area where we need to  
2           know that information. But these are basically  
3           citizens who have become clients of our social  
4           service system, as I said before.

5                           And so what I'm saying is, if we  
6           now are going to prosecute, which means that we  
7           have evidence that there has been some fraud,  
8           then I guess reluctantly -- but I agree with  
9           Senator Holland, and I think that the aim of  
10          this bill is very meritorious.

11                           But what I'm saying, Senator  
12          Holland, is I believe the bill has gone too  
13          far. When you start giving out this kind of  
14          information that can perpetuate investigation, I  
15          really think you are in many ways impinging upon  
16          the concept of justice and the freedoms  
17          guaranteed to us in our Constitution.

18                           I don't think this is what those  
19          people who framed that document were thinking  
20          about when they wrote it; and so what I'm saying  
21          is, the fact that we have information,  
22          information with our great technology today is  
23          something that we can achieve all the time, but

1 I think that this is the kind of thing that is  
2 synonymous with "1984". Maybe it was just  
3 eleven years delayed.

4 ACTING PRESIDENT KUHL: Senator  
5 DeFrancisco.

6 SENATOR HOLLAND: Question, Mr.  
7 President.

8 ACTING PRESIDENT KUHL: Excuse  
9 me, Senator Holland.

10 Senator DeFrancisco, why do you  
11 rise?

12 SENATOR DeFRANCISCO: I would ask  
13 Senator Paterson to yield to a question.

14 ACTING PRESIDENT KUHL: Senator  
15 Paterson, do you yield to a question?

16 SENATOR PATERSON: Yes, Mr.  
17 President.

18 ACTING PRESIDENT KUHL: Senator  
19 yields.

20 SENATOR DeFRANCISCO: Senator  
21 Paterson, if an individual case worker gets a  
22 tip from a family member that someone is  
23 applying in several different locations for

1 welfare assistance, should the prosecutor be  
2 able to use that tip and the testimony from the  
3 individual source in a criminal prosecution?

4 SENATOR PATERSON: Yes, I think  
5 that that should be permissible. I would never  
6 suppress that evidence; and as a matter of fact,  
7 I wouldn't suppress the fingerprints, Senator  
8 DeFrancisco.

9 ACTING PRESIDENT KUHL: Senator  
10 DeFrancisco, are you asking Senator Paterson to  
11 yield?

12 SENATOR DeFRANCISCO: So the  
13 question, then, Senator -- yes, I do.

14 ACTING PRESIDENT KUHL: Senator  
15 Paterson, do you yield to another question from  
16 Senator DeFrancisco?

17 SENATOR PATERSON: Yes, I do.  
18 I'm sorry, Mr. President.

19 ACTING PRESIDENT KUHL: Senator  
20 yields.

21 SENATOR DeFRANCISCO: Senator  
22 Paterson, then, can you tell me if that same  
23 case worker has a machine that shows that this

1 person has applied in a couple of different  
2 locations, what is the difference between that  
3 evidence and the evidence from the primary  
4 source?

5 SENATOR PATERSON: The answer to  
6 that question, Senator DeFrancisco, is this. In  
7 the former case, you have described conduct  
8 because the defendant, the person who we are now  
9 prosecuting, evidenced some conduct that was  
10 reported to our criminal justice system by a  
11 case worker. In the latter case, you describe a  
12 situation certain, a fingerprint, something like  
13 an eyeball, something like a hand, a  
14 fingerprint, something that is an identification  
15 about the particular individual which does not  
16 change. It's the same finger image that this  
17 person will have their whole life. It's one you  
18 have and I have one. They are all individual.  
19 Because it is a circumstance that is certain,  
20 these are the types of things that we don't like  
21 to impinge upon just for the sake of  
22 investigation.

23 ACTING PRESIDENT KUHL: Senator

1 DeFrancisco.

2 SENATOR DeFRANCISCO: Would you  
3 yield for one last question?

4 SENATOR PATERSON: Certainly, Mr.  
5 President.

6 ACTING PRESIDENT KUHL: Senator  
7 yields.

8 SENATOR DeFRANCISCO: Senator,  
9 isn't the conduct that is prosecuted the  
10 multiple applications for welfare, and the  
11 finger image or the tip from the firsthand  
12 source the evidence to prove that conduct?

13 SENATOR PATERSON: Absolutely,  
14 Mr. President. But what we're talking about  
15 here is the nature of information that we are  
16 now going to seek. In other words, if we went  
17 to the victim's house and found all of the  
18 applications and photocopied them and kept them  
19 in a vault, that would also be the evidence but  
20 that's not the conduct, and what we like to  
21 prosecute in this country is conduct, not  
22 suspicion. So, in other words, there are a  
23 number of technical ways that we can receive

1 information, but it's when a person actually  
2 manifests an action in an unpardonable offense  
3 that we then would want to prosecute them. The  
4 fact that we can gather information on people  
5 would probably make us all liable for something  
6 at some point.

7 If we filmed every street in our  
8 city and our state, we would probably find a  
9 number of people who were jaywalking and we  
10 could hold that evidence and then at some point  
11 investigate them. I'm not trying to be too  
12 remote from the issue, because it is an  
13 important and a serious issue that you are  
14 describing, Senator DeFrancisco, but what I'm  
15 saying to you is that it is actually the conduct  
16 that causes a person to be fingerprinted in the  
17 first place, the conduct either being a brush  
18 with the criminal justice system or that the  
19 person is taking himself into a high security  
20 position and, as a society, we need to know that  
21 information.

22 In this case, the person is  
23 seeking social services, the person is seeking

1 welfare, and we have a number of people who by  
2 their unfortunate circumstances are eligible for  
3 that and we as a society have granted that.  
4 Now, if you want to finger image to keep track  
5 of who is in and who is out, all right, that's  
6 fine. If you want to then use that evidence in  
7 a criminal prosecution, I don't know if I'm  
8 totally in favor of that but I can understand  
9 it. What I don't understand is using the  
10 information as part of the investigation because  
11 the investigation should be conducted through,  
12 as I said before, some conduct that the  
13 individual is engaging in.

14 ACTING PRESIDENT KUHL: Senator  
15 Holland.

16 SENATOR HOLLAND: I just wonder  
17 if the Senator will yield to a question?

18 SENATOR PATERSON: Certainly, Mr.  
19 President.

20 SENATOR HOLLAND: Senator, you  
21 understand -- I don't understand exactly what  
22 you mean when you talk about investigation.  
23 This information will not be shared for any

1 other police investigations, no rapes, no auto  
2 thefts, no anything like that, bounced checks,  
3 et cetera. This will only be if an individual  
4 comes in -- and you've said this yourself. If  
5 they need assistance, we want to give them  
6 assistance; but if they need assistance under  
7 three different names, then we don't want to  
8 give them assistance, and we want to charge  
9 them. You understand that it won't be shared  
10 with police facilities?

11 SENATOR PATERSON: Mr. President,  
12 through you to Senator Holland. There are  
13 already systems in place that assist us in the  
14 investigation of fraud, and these systems are  
15 such that we can use right now. Now, I do  
16 understand what you are saying, that we're not  
17 going to use this evidence for any other  
18 investigation, but I would like to ask you a  
19 hypothetical question.

20 Suppose next year we put a bill  
21 out here and say we will? Suppose we say next  
22 year we are going to have a piece of legislation  
23 where the finger image that we received from an

1 individual at a point where they seek social  
2 services can be used in any criminal investi  
3 gation? Wouldn't Senator DeFrancisco be able to  
4 get up next year and ask me the same question  
5 that he just asked me, which is, what's wrong  
6 with the prosecutor using that as part of the  
7 evidence as much as using the information heard  
8 by a social worker? Isn't that possible?

9 SENATOR HOLLAND: Yes.

10 SENATOR PATERSON: So -- thank  
11 you. If the Senator will yield?

12 ACTING PRESIDENT KUHL: Senator  
13 Paterson, the floor is still yours.

14 SENATOR PATERSON: Thank you, Mr.  
15 President. So what I'm saying, Senator Holland,  
16 is, where are we drawing the line? That's what  
17 I'm just trying to figure out, where are we  
18 drawing the line? I don't understand why it is  
19 necessary when we have systems in place to  
20 investigate fraud where the finger-imaging has  
21 to come in, because the finger-imaging itself  
22 can not ignite the investigation because  
23 everybody who is going for welfare is going to

1 be finger imaged. But what becomes a call at  
2 issue is, how do we establish some kind of  
3 guidelines in the administration of our social  
4 services system?

5 And I feel, on the bill, Mr.  
6 President, that this is just going too far. I  
7 understand what the intent is. We understand,  
8 as Senator Holland reported to us, that it has  
9 saved us money because fewer people are  
10 registering. Maybe that in itself is weeding  
11 out a lot of the problem, but the greater  
12 problem, I think, is to another system that we  
13 have. It's just our system of justice in this  
14 country. We don't do that as a general rule in  
15 the United States of America, and I don't think  
16 we should start by making this information  
17 available because, in my opinion, there is such  
18 a presumption about finger-imaging that exists,  
19 anyway, that just its mere existence can ignite  
20 investigations, and that's why I would not  
21 recommend the passage of this bill.

22 Thank you, Mr. President.

23 ACTING PRESIDENT KUHL: Chair

1 recognizes Senator Stavisky.

2 SENATOR STAVISKY: No.

3 ACTING PRESIDENT KUHL: Senator  
4 Stavisky waives.

5 Chair recognizes Senator Espada.  
6 Senator Espada is out of the chamber.

7 Senator Marchi.

8 SENATOR MARCHI: Mr. President, I  
9 just -- perhaps it's not directly on point, but  
10 I have introduced and you were a co-sponsor,  
11 incidentally, of a bill requiring finger-imaging  
12 for everyone in the State of New York. I don't  
13 see it amenable to have -

14 SENATOR VOLKER: Mr. President.

15 ACTING PRESIDENT KUHL: Senator  
16 Marchi, excuse me for the interruption. Let me  
17 recognize Senator Volker.

18 Senator Volker.

19 SENATOR VOLKER: Senator, just  
20 one second. Senator Espada would like to vote.  
21 Could we read the last section for just a second  
22 because he has to leave.

23 ACTING PRESIDENT KUHL: Secretary

1 will read the last section.

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

4 ACTING PRESIDENT KUHL: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT KUHL: Senator  
8 Espada, how do you vote?

9 SENATOR ESPADA: No.

10 ACTING PRESIDENT KUHL: Senator  
11 Espada will be recorded in the negative. The  
12 roll call is withdrawn. We're back on debate.

13 Thank you, Senator Marchi, for  
14 the interruption.

15 Chair recognizes Senator Marchi.

16 SENATOR MARCHI: Thank you, Mr.  
17 President. No, I have introduced legislation  
18 that would provide for finger-imaging for  
19 everyone in the State of New York and,  
20 hopefully, that this process might take place  
21 across the nation. It's an additional  
22 protection which each citizen would enjoy.  
23 People may be found bereft of documents and in

1 great danger or perhaps the victims of foul  
2 play, yet we would be able to readily identify  
3 an individual in any and all circumstances where  
4 identity is a critical and important factor.

5 I am troubled a little bit, I  
6 have to say -- I have to confess -- that fraud  
7 in fields such as welfare, you are really faced  
8 with hard choices, and I believe the sponsor is  
9 correct in putting it where he is putting it,  
10 but we also have the factor that people living  
11 on the margins sometimes are driven to desperate  
12 solutions to their problems.

13 I remember campaigning once -  
14 this is many years ago -- for mayor, and going  
15 into an area where I found that orthopedic  
16 specialists were prescribing special shoes for  
17 children on welfare because they simply didn't  
18 have enough money to put shoes on the feet of  
19 their children. These are pitiful situations,  
20 and we have to temper our ardor for stamping it  
21 out with an understanding of the desperation to  
22 actions which are not normally oppressive to the  
23 average citizen.

1                   But we are facing a problem now  
2                   of restricting largesse simply because of the  
3                   abuses that have existed in the past; and if by  
4                   gentle indirection -- and I don't think this  
5                   violates that sanction -- we can do this, then  
6                   it should be supported.

7                   ACTING PRESIDENT KUHL: Chair  
8                   recognizes Senator Dollinger.

9                   SENATOR DOLLINGER: Mr.  
10                  President. Will Senator Holland yield to just  
11                  one question?

12                  ACTING PRESIDENT KUHL: Senator  
13                  Holland, do you yield to one question from  
14                  Senator Dollinger?

15                  SENATOR HOLLAND: Yes, Mr.  
16                  President.

17                  ACTING PRESIDENT KUHL: Senator  
18                  yields.

19                  SENATOR DOLLINGER: I will be  
20                  brief, Senator. The report that we saw from the  
21                  division of social services -- the Social  
22                  Services Department that talked about this  
23                  savings, do you know whether there has been any

1 update of that done or any further analysis of  
2 the savings?

3 SENATOR HOLLAND: Not to my  
4 knowledge, no, sir.

5 SENATOR DOLLINGER: Again,  
6 through you, Mr. President. Do you know what  
7 the cost of the implementation of the program  
8 has been to date?

9 SENATOR HOLLAND: The cost of the  
10 implementation?

11 SENATOR DOLLINGER: And who's  
12 paid the cost?

13 SENATOR HOLLAND: I really don't  
14 have a good figure for you. No, but the system  
15 is designed and the study that Social Services  
16 did said that whatever the cost was we would  
17 recover that in the first year, so we more than  
18 recover the expenses in the first year.

19 SENATOR DOLLINGER: That is what  
20 I'm trying to pinpoint, Mr. President.

21 On the bill. I support the  
22 bill. I will vote in favor of it. My  
23 understanding is that the disclosure of these

1 fingerprints are going to be solely for  
2 prosecutions related to the fraud, the  
3 underlying fraud itself.

4 ACTING PRESIDENT KUHL: Secretary  
5 will read the last section.

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

8 ACTING PRESIDENT KUHL: Call the  
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT KUHL: Announce  
12 the results when tabulated.

13 Chair recognizes Senator Jones to  
14 explain her vote.

15 SENATOR JONES: I just want to  
16 thank Senator Holland for bringing this bill to  
17 the floor. A district attorney in my own county  
18 was one of the people strongly in support of  
19 this. I'm not a lawyer, so I don't pretend to  
20 know the ins and outs of law, but to me it makes  
21 perfectly good sense. If a person applies five  
22 times for welfare and knows they are defrauding  
23 the system, it seems pretty silly that we can't

1 do something about it.

2 I want to thank you, Senator  
3 Holland. I certainly support the bill.

4 ACTING PRESIDENT KUHL: Senator  
5 Jones in the affirmative. Announce the results.

6 THE SECRETARY: Those recorded in  
7 the negative on Calendar Number 250 are Senators  
8 Espada, Galiber, Paterson, Smith. Ayes 52.  
9 Nays 4.

10 ACTING PRESIDENT KUHL: The bill  
11 is passed.

12 Senator Volker, that completes  
13 the controversial calendar.

14 SENATOR VOLKER: Mr. President.  
15 May we return to reports of standing  
16 committees? I believe there is a Finance  
17 Committee report at the desk.

18 ACTING PRESIDENT KUHL: Senator  
19 Galiber, why do you rise?

20 SENATOR GALIBER: Mr. President.  
21 I would like unanimous consent to be recorded in  
22 the negative on Calendar 252, Senate Bill 2469.

23 ACTING PRESIDENT KUHL: Without

1 objection, Senator Galiber will be recorded in  
2 the negative on Calendar Number 252.

3 Senator Volker, there is a report  
4 of the Finance Committee here at the desk. I  
5 will ask the Secretary to read.

6 THE SECRETARY: Senator Stafford,  
7 from the Committee on Finance, offers up the  
8 following nominations: Member of the Workers'  
9 Compensation Board, Robert R. Snashall of  
10 Cazenovia, New York.

11 ACTING PRESIDENT KUHL: Chair  
12 recognizes Senator Stafford on the nomination.

13 SENATOR STAFFORD: Thank you, Mr.  
14 President.

15 Mr. President, it seems as I get  
16 up here once a week and tell you that we had the  
17 two best nominees before us today that I have  
18 ever seen in the Senate in 30 years -- and I'm  
19 going to say it again, because today we have two  
20 fine nominees.

21 The first nominee we're  
22 considering is Mr. Snashall for the Workmen's  
23 Compensation Board. He's had experience in the

1 field. He's represented defendants; he's  
2 represented plaintiffs and he understands.

3 And I might add that at the  
4 meeting today, the Finance meeting, as usual, as  
5 it should be, the members were not at all  
6 bashful in explaining to him that they  
7 understood and understand that he's taking over  
8 a very, very difficult position.

9 But we voted unanimously in Mr.  
10 Snashall's favor and we think he will do an  
11 excellent job as a member of the Workmen's  
12 Compensation Board and, I understand, chairman.

13 ACTING PRESIDENT KUHL: Chair  
14 recognizes Senator DeFrancisco on the  
15 nomination.

16 SENATOR DeFRANCISCO: I rise to  
17 second the nomination of Robert Snashall of the  
18 Central New York area, and I do it with great  
19 pleasure. Mr. Snashall comes from one of the  
20 finest law firms in the Syracuse area, and some  
21 say the finest that we have in Syracuse.

22 The Workers' Compensation Board  
23 is a position -- a member of that board is a

1 position that's so important in this state at  
2 this time in our history, and it's essential  
3 that we nominate people to that board, and  
4 especially the chairmanship of that board to  
5 someone who has some special expertise so that  
6 the reform that is sorely needed in this state  
7 is going to truthfully happen and that the  
8 reform is going to be meaningful because of  
9 firsthand knowledge and expertise in this area  
10 that Mr. Snashall has.

11 He's been practicing in Workers'  
12 Compensation court since 1979 with a law firm in  
13 Albany, and then with the Bond, Schoeneck and  
14 King office in Syracuse. He's not only  
15 represented companies in their matters before  
16 the Workers' Compensation Board, but he's  
17 represented employees; and as we all know from  
18 our experience at our district offices that both  
19 employees and companies and businesses are  
20 calling us to complain about the way the system  
21 currently operates.

22 He's got the expertise, and he's  
23 from the right area of the state, and I'm very

1           pleased to second his nomination for this very,  
2           very important position.

3                           ACTING PRESIDENT KUHL:   Chair  
4           recognizes Senator Hoffmann on the nomination.

5                           SENATOR HOFFMANN:   Thank you, Mr.  
6           President.

7                           I, too, am delighted to rise in  
8           support of this very excellent nominee who hails  
9           from the 48th Senate District, and I think, more  
10          importantly, he represents a dramatic departure  
11          from many of the confirmations that we've had in  
12          that not only does he live in upstate New York  
13          he also lives in the heart of a rural county,  
14          and he understands very well the problems, the  
15          particular hardships on people engaged in  
16          agriculture caused by lengthy delays in Workers'  
17          Compensation hearings which often go without  
18          resolution the first, the second, the third  
19          go-around and often require arduous and  
20          time-demanding trips from a distant part of the  
21          state into a more central location.

22                           For instance, my constituents who  
23          live in places like Brookfield or Whitelaw must

1 travel a good hour or hour and a half to a  
2 hearing scheduled in Syracuse at which they are  
3 all too often told the hearing officer is either  
4 not present, not prepared, someone else has not  
5 arrived who should be there. So it's more than  
6 an inconvenience for people in upstate and rural  
7 areas when there are delays in Workers'  
8 Compensation hearings. It is a drain in their  
9 own income, and it affects, ultimately, the  
10 entire state's economy when this system does not  
11 run well.

12 Mr. Snashall made it very clear  
13 today in the Finance Committee under rigorous  
14 questioning by those members present that he  
15 recognizes it does not run well. He recognizes  
16 that it must be changed in order to meet the  
17 needs of this state. His is going to be a very,  
18 very burdensome task.

19 I wish him well following his  
20 anticipated confirmation today and pledge my  
21 support and that of the people of my district to  
22 do whatever is possible to help make this a  
23 meaningful transition as we go from an archaic,

1       obsolete, unresponsive Workers' Compensation  
2       system into the development of one that does, in  
3       fact, meet the needs of the working people of  
4       this state.

5                    ACTING PRESIDENT KUHL:   The  
6       question is on the nomination of Robert R.  
7       Snashall of Cazenovia to become a member of the  
8       Workmen's Compensation Board.

9                    All those in favor, signify by  
10       saying aye.

11                   (Response of "Aye.")

12                   Opposed, nay.

13                   (There was no response.)

14                   The nominee is confirmed.

15                   We're happy to be joined by Mr.  
16       Snashall, who is in the gallery here.

17                   Congratulations, Mr. Snashall.

18                   (Applause.)

19                   Secretary will continue to read.

20                   THE SECRETARY:   Commissioner of  
21       Criminal Justice Services, Paul Lewis Shechtman  
22       of New York City.

23                   ACTING PRESIDENT KUHL:   Chair

1 recognizes Senator Stafford.

2 SENATOR STAFFORD: Thank you, Mr.  
3 President. I do not hesitate, and I say it  
4 again, we have two of the finest nominees today  
5 that will ever be here. Now, Mr. Shechtman, I  
6 just have to share with you that when you look  
7 at his biography, as was pointed out in the  
8 Finance Committee, you see what a fine  
9 individual he is and how he has excelled from  
10 being a Rhodes scholar, graduating from  
11 Swarthmore and then Harvard Law School, master's  
12 degree from Oxford University, and it goes on  
13 and on and on and on.

14 He was a clerk to Judge Warren E.  
15 Burger, Chief Justice of the United States  
16 Supreme Court, and clerk to other justices; has  
17 been the chief, Criminal Division, for the  
18 United States Attorney's Office in the Southern  
19 District of New York, and he's been counsel to  
20 the District Attorney's Office for New York  
21 County, all prestigious appointments, and he's  
22 done so well. He also is a professor of law at  
23 Columbia University School of Law. Some of us

1 consider that a good law school. I assure you  
2 it is. He also has been a professor of law at  
3 the University of Pennsylvania.

4 This position of Commissioner of  
5 Criminal Justice Services is the type of  
6 position, I feel, where we need someone of Paul  
7 Shechtman's ability, and he has proven -- he has  
8 proven his ability.

9 This appointment and the  
10 appointments today are indeed a credit to  
11 Governor Pataki and all of his people. I would  
12 suggest that we could have no finer nominee  
13 before us to confirm than Paul Lewis Shechtman,  
14 and his biography and his record of  
15 accomplishment prove that.

16 ACTING PRESIDENT KUHL: Chair  
17 recognizes Senator Nozzolio.

18 SENATOR NOZZOLIO: Thank you, Mr.  
19 President.

20 Mr. President, my colleagues: As  
21 usual, Senator Stafford has well cornered the  
22 market on this issue, but this is more than an  
23 issue. This is a confirmation of a gentleman

1       who will have tremendous responsibilities in  
2       managing criminal justice services and trying to  
3       apportion an agenda, move an agenda that we  
4       believe extremely important.

5               Mr. Chairman, at the Crime and  
6       Corrections Committee, I had the privilege of  
7       meeting Mr. Shechtman and discussing with him  
8       his philosophy, his background, his experience.  
9       As Senator Stafford indicated, we have not seen  
10      and I doubt we will ever see a resume as  
11      detailed, as experienced in accomplishment, so  
12      varied and so great, as the resume we have  
13      before us of Mr. Shechtman.

14              But there is a point that's not  
15      on his resume that I think certainly tells me a  
16      lot about the individual and a lot about his  
17      experience level, interest level in criminal  
18      justice, in that he began his professional  
19      career, although sandwiched in between great  
20      educational accomplishment and great experience  
21      on the United States Supreme Court as a clerk,  
22      at appellate courts, at some of the finest  
23      schools in the country if not the world, he took

1 much of his talent and put it into teaching in a  
2 correctional facility. I think that says a  
3 great deal about the person. It says a great  
4 deal about his background, as accomplished as it  
5 is. He also has his feet on the ground in terms  
6 of individual work experience in the very heart  
7 of the system that he will now have the  
8 responsibility of managing.

9 I also would like to say  
10 something not on his resume but on something  
11 that speaks a great deal for his interest in  
12 this position and his interest in the work that  
13 lies ahead. He has been working already,  
14 although not confirmed certainly on the job, in  
15 touring correctional facilities last week. It  
16 is my understanding that he was with  
17 Commissioner Coombe at Attica, learning  
18 firsthand some of the nuances of our  
19 correctional system, and he is to be  
20 congratulated for taking that interest and such  
21 a dynamic approach, hands-on approach very early  
22 on in his new work.

23 It is my belief, Mr. President,

1           that we have a tremendous candidate in Mr.  
2           Shechtman for confirmation and one that I have a  
3           great deal of confidence in will do a great job,  
4           approaching his job not only with great  
5           intelligence and great experience but with great  
6           sincerity and great interest.

7                         Mr. President, I move the  
8           confirmation.

9                         ACTING PRESIDENT KUHL: Chair  
10          recognizes Senator Abate on the confirmation.

11                        SENATOR ABATE: Yes. I  
12          enthusiastically rise to support Paul  
13          Shechtman. I have had the honor and privilege  
14          of working with Paul for a number of years, and  
15          he enjoys an outstanding reputation not just in  
16          New York City among law enforcement but also  
17          among probation departments as well as  
18          correction departments, Liberals and  
19          Conservatives, mainstream individuals, in the  
20          criminal justice system; and he's earned that  
21          respect because he's not someone that just  
22          resorts to rhetoric around public safety. He's  
23          extremely thoughtful.

1                   He's a man of extremely high  
2                   intellect, enormous knowledge of the criminal  
3                   justice system, enormous knowledge of the law, a  
4                   man of high integrity; and I found in my work  
5                   with him that he is accessible. If you call  
6                   him, he returns your calls. He researches  
7                   issues. Even though on first blush he may not  
8                   agree with the position or he may not think it  
9                   advisable, he really looks at both sides of the  
10                  issue and always, I believe, reaches a rational  
11                  and reasoned conclusion.

12                  He's a great lawyer, a great  
13                  administrator. I think he will be an asset to  
14                  New York State, and I look very much forward to  
15                  working with him.

16                  ACTING PRESIDENT KUHL: The  
17                  question is on the nomination of Paul Lewis -

18                  Excuse me. Senator Volker.

19                  SENATOR VOLKER: Let me just say  
20                  that I, too, want to second the nomination of  
21                  Paul, who, although I met him some years ago, I  
22                  really -- I was not really acquainted with him  
23                  until recently, and he will become one of a long

1 line, I think, of excellent people who have been  
2 head of DCJS -- Richard Girgenti, and before him  
3 Jack Poklemba and Larry Kurlander.

4 He brings a kind of unique view,  
5 in that, in addition to the normal criminal  
6 justice background, he has an economics  
7 background, and I said to him when we first met  
8 that it seems to me that in this day and age  
9 maybe an economics background, in addition to  
10 criminal justice, is not a bad thing to have.  
11 But he has an excellent understanding, I think,  
12 of all the areas involved in criminal justice.

13 These are not going to be easy  
14 times to be head of the Division of Criminal  
15 Justice Services; and I think, as everybody  
16 knows, the Governor took great pains to make a  
17 determination on who would run this agency which  
18 is, I believe, certainly one of the most  
19 important in government today, and there are a  
20 lot of dedicated people who are part of DCJS  
21 that he will be -- he will be overseeing.

22 As chairman of the Codes  
23 Committee, myself, and my staff and all the

1 members of the committee have always worked  
2 closely with the Department of Criminal Justice  
3 Services, and I have no doubt that we will  
4 continue to work as close if not closer with  
5 Paul. I wish him the very best of luck. It is  
6 a great nomination.

7 Good luck to you for the future  
8 and Godspeed.

9 ACTING PRESIDENT KUHL: The  
10 question is on the nomination of Paul Lewis  
11 Shechtman of New York City to become  
12 Commissioner of Criminal Justice Services.

13 All those in favor, signify by  
14 saying aye.

15 (Response of "Aye.")

16 Opposed, nay.

17 (There was no response.)

18 The nominee is confirmed.

19 We are very pleased to be joined  
20 by Mr. Shechtman and his wife, Bonnie, who are  
21 seated in the gallery.

22 Commissioner, congratulations.

23 Good luck.

1 (Applause.)

2 Senator Volker.

3 SENATOR VOLKER: Any housekeeping  
4 before we adjourn?

5 ACTING PRESIDENT KUHL: Senator,  
6 there is nothing at the desk.

7 Excuse me. Senator Paterson, why  
8 do you rise?

9 SENATOR PATERSON: Mr. President,  
10 with unanimous consent, I would like to be  
11 recorded in the negative on Calendar Number 252.

12 ACTING PRESIDENT KUHL: Without  
13 objection, Senator Paterson will be recorded in  
14 the negative on Calendar Number 252.

15 Senator Smith.

16 SENATOR SMITH: Mr. President, I  
17 request unanimous consent to be recorded in the  
18 negative on Calendar Number 252.

19 ACTING PRESIDENT KUHL: Without  
20 objection, Senator Smith will be recorded in the  
21 negative on Calendar Number 252.

22 Senator Volker.

23 SENATOR VOLKER: Mr. President,

1           there being no further business, I move that we  
2           adjourn until Wednesday, April 26th, 1995, at  
3           10:00 a.m. That's 10:00 a.m.

4                           ACTING PRESIDENT KUHL: Without  
5           objection, the Senate stands adjourned until  
6           tomorrow, April 26th, at 10:00. 10:00 a.m.

7                           (Whereupon, at 4:00 p.m., the  
8           Senate adjourned.)

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