ALBANY, NEW YORK

February 13, 1996

3:05 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

(The assemblage repeated the Pledge of Allegiance to the Flag.)

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

Reverend Young.

REVEREND PETER YOUNG: Let us pray. May all of the Senators, we pray, help to empower those who have no hope. We pray this legislative body will improve our conscious effort to renew the quality of life that we talk about. We ask You this in Your name. Amen.

THE PRESIDENT: The reading of the Journal, please.

THE SECRETARY: In Senate, Monday, February 12th. The Senate met pursuant to adjournment. The prayer by the Reverend Jim Lee, minister of the Unity East Church Center, Brooklyn. The Journal of Friday, February 9th,

was read and approved. On motion, the 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.

The Secretary will read.

THE PRESIDENT: Senator Padavan, from the Committee on Cities, offers up the following bills directly for third reading:

4746-A, with amendments, by Senator Saland, an act in relation to authorizing the city of Beacon, county of Dutchess, to opt out of the provisions of Chapter 602;

Senate Print 5928, by Senator Leibell, an act to amend the Real Property Tax Law, in relation to local tax exemption.

Senator Cook, from the Committee on Education, offers up the following bills:

449, by Senator Maltese, an act

to amend the Education Law, in relation to instruction in the display, use and proper respect for the Flag;

5209, by Senator Volker, an act to amend the Education Law, in relation to the appointment of a superintendent;

5752, by Senator Rath, an act to legalize, ratify and confirm the acts and proceedings of the Board of Education of the Pavilion Central School District;

5967, by Senator Levy, an act to amend Chapter 145 of the Laws of 1995, relating to addressing the situation in the Roosevelt Union Free School District;

5994, by Senator Hoblock, an act to amend the Education Law and the Public Authorities Law, in relation to Dormitory Authority financing.

Senator Rath, from the Committee on Local Governments, offers up the following bills:

Senate Print 291, by Senator Cook, an act to amend the Real Property Tax Law,

in relation to statements of taxes;

992-A, by Senator Present, an act to amend the General Municipal Law, in relation to authorizing the designation of rural economic development zones;

234, by Senator LaValle, Senate Print 1099, an act to amend the General Municipal Law, in relation to granting additional points in a service award program;

1266, by Senator Hannon, an act authorizing the county of Nassau to accept an application for real property tax exemption;

1368, by Senator LaValle, an act to amend the Town Law, in relation to expending from fire district revenues amount appropriated;

1535, by Senator Rath, an act to amend the General Municipal Law, in relation to authorizing fees and charges for emergency services;

2... 1578-B, by Senator Larkin, an act to amend the Real Property Tax Law, in relation to certain state lands in Orange County;

3384, by Senator Leibell, an act to amend the General Municipal Law, in relation to participation in certain health insurance plans;

4581, by Senator Hoblock, an act to amend the General Municipal Law, in relation to payment of disability benefits.

Senator Saland, from the Committee on Children and Families, offers up the following bills:

Senate Print 2111, an act to amend the Executive Law and the Family Court Act, in relation to support of children;

2478, by Senator Skelos, an act to amend the Family Court Act and the Criminal Procedure Law, in relation to the age of child witnesses;

2614, by Senator Leibell, an act to amend the Executive Law, in relation to providing and maintaining alarms;

3561, Senator Saland, an act to amend the Family Court Act, in relation to expanding the jurisdiction of the Family Court;

4031, by Senator Saland, an act to amend the Executive Law, in relation to youths who are absent without leave from aftercare programs;

4886, by Senator Rath, an act to amend the Family Court Act, in relation to the age of runaway children.

Senator Marcellino, from the Committee on Environmental Conservation, offers up the following bills:

1355-C, by Senator Sears, an act to amend the Environmental Conservation Law, in relation to prohibiting the feeding of deer;

3921, by Senator Sears, an act to amend the Environmental Conservation Law, in relation to increasing civil penalties;

4529-C, by Senator Marcellino, an act to amend the Environmental Conservation Law, in relation to the harvest and shipment of shellfish;

5830, by Senator Johnson, an act to amend the Environmental Conservation Law, in relation to permitting certain additional

persons to obtain commercial lobster permits.

All bills directly for third reading.

ACTING PRESIDENT RATH: Without objection, all bills directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Hoblock.

SENATOR HOBLOCK: Madam President, there's a resolution at the desk. Would you kindly have it read in its entirety.

ACTING PRESIDENT RATH: Please read the resolution in its entirety.

THE SECRETARY: By Senator Hoblock, Legislative Resolution commending Eamonn McGirr for his outstanding initiative in raising funds for the Cerebral Palsy Center for the Disabled.

WHEREAS, weave a garland of trussed vines ribboned in the emerald hued shamrocks of early spring and let us, the

elected representatives of the people of the state of New York, let us join with Eamonn McGirr; let us sing a "Soldier's Song";

A native of County Derry, in the North of Ireland, Eamonn McGirr will be honored at the Annual St. Patrick's Dinner of the American-Irish Legislators' Society at the New Scotland Avenue Armory;

Eamonn will be honored for his 11-day marathon of non-stop singing which shattered the Guiness Book of World Records for endurance singing;

Eamonn McGirr undertook this enormous feat in order to raise funds for the Cerebral Palsy Center;

This legislative body wishes also to commend Eamonn's wife, Mary, again a native of County Derry, for her support and perseverance; it further desires to send its consummate love to Mareena, the daughter of Eamonn and Mary and a victim of cerebral palsy;

While teaching advanced math and calculus in Belfast, Eamonn McGirr formed the

folk group The Go-Lucky Four. They enjoyed enormous success in Ireland, going to the top of the charts with "Up Went Nelson";

Seven years ago, the McGirrs became citizens of this nation;

Eamonn McGirr so clearly personifies the finest traditions and principles of the Irish heritage with humor, grace and compelling dignity;

Eamonn McGirr did so courageously labor to secure funding for the victims of cerebral palsy. Eamonn sang non-stop for 11 days and 20 minutes;

This legislative body is greatly honored to commend an Irish-American and his lovely family for their consummate concern for others;

Through his heroic commitment to those who suffer from the dreaded disease of cerebral palsy, Eamonn McGirr has so unselfishly advanced that spirit of united purpose and shared concern which is the unalterable manifestation of our American experience;

NOW, THEREFORE, BE IT RESOLVED, that this legislative body pause in its deliberations and most joyously commend Eamonn McGirr for his outstanding initiative in raising funds for the Cerebral Palsy Center for the Disabled, fully confident that Eamonn's feat mirrors that legacy of valor and love for others which constitutes the Irish-American heritage; and

BE IT FURTHER RESOLVED, that copies of this resolution, suitably engrossed, be transmitted to Eamonn McGirr, Loudon House, Loudonville, New York and to the Honorable Richard J. Keane, President of the American Irish Legislators' Society, Albany, New York.

ACTING PRESIDENT RATH: Senator Hoblock.

SENATOR HOBLOCK: Madam President, we are privileged and honored to have joined with us today Eamonn McGirr, his wife Mary and his daughter Mareena.

Eamonn is being honored today, not just for the outstanding record-breaking

achievement of singing non-stop for 11 days, but for the initiative he showed and the dedication with which he set about his task to raise funds for the Center for the Disabled and all members of the disabled community.

Mr. McGirr has set an example on how one man can make a difference. We all want to do something to help. We all want to show that we care, but Eamonn has proven it can be done, and I'm sure he has inspired many others to record-breaking heights. Eamonn has performed an outstanding and amazing feat of endurance and courage, but he has also performed an amazing feat of kindness.

On behalf of the New York State Senate, I would like to extend our sincere appreciation and gratitude. We are proud to have a record breaker in our midst and privileged to have such a generous and caring individual living among us.

Congratulations, Eamonn.

ACTING PRESIDENT RATH: The question is on the resolution. All in favor

signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Congratulations and thank you, Mr. McGirr, for your unselfish commitment through the years. We all applaud your efforts and applaud you.

(Applause)

Senator Skelos.

SENATOR SKELOS: Madam President, at this time may we please adopt the Resolution Calendar.

ACTING PRESIDENT RATH: All those in favor of adopting the Resolution Calendar signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The Resolution Calendar is adopted.

SENATOR SKELOS: Madam President,

there will be an immediate meeting of the Crime Victims, Crime and Corrections Committee in the Majority Conference Room, Room 332 of the Capitol.

ACTING PRESIDENT RATH: Crime Victims conference, Room 333 of the Capitol.

Senator Skelos, are you ready for the calendar?

SENATOR SKELOS: Yes. If we could take up the non-controversial calendar.

ACTING PRESIDENT RATH: The Clerk shall read -- the Secretary shall read.

THE SECRETARY: Calendar 117, by Senator Padavan, Senate Print 667-A, an act to amend the Penal Law, in relation to making citizenship document fraud in the first degree and second degree Class D and E felonies.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar 158, by Senator Velella, Senate Print 2872, an act -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT RATH: Lay it aside.

THE SECRETARY: Calendar 160, by Senator Padavan, Senate Print 3380-A, an act to amend the State Finance Law, the General Municipal Law, the Personal Property Law, Public Authorities Law and the Administrative Code of the city of New York, in relation to authorizing agreements with financing agencies.

ACTING PRESIDENT RATH: Read the last section.

THE SECRETARY: Section 15. This act shall take effect immediately.

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar 192, by Senator Bruno, Senate Print 5804, an act to amend the Highway Law, in relation to designating a portion of the state highway system as "The General Philip Schuyler Commemorative Highway."

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar 193, by Senator Hannon, Senate Print 1265, an act to amend the Environmental Conservation Law, in

relation to providing hunting and fishing licenses to disabled veterans free of charge.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar 194, by Senator Sears, Senate Print 1739, an act to amend the Vehicle and Traffic Law, in relation to eliminating the annual service charge imposed on distinctive license plates.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar 195, by Senator Hoblock, Senate Print 3407, an act to amend the Military Law, in relation to providing legal authority for obtaining background checks on individuals.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar 197, by Senator Hoblock, Senate Print 3559-A, an act to amend the Vehicle and Traffic Law, in relation to special distinctive license plates.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT RATH: Lay the bill aside.

THE SECRETARY: Calendar 198, by Senator Hoblock, Senate Print 3659-A, an act to amend the Military Law, in relation to authorizing the Governor to present the conspicuous service cross to certain persons who are missing in action.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar 199, by Senator Cook, Senate Print 3961-A, an act to amend the Insurance Law, in relation to motor

vehicle insurance coverage.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar 200, by Senator Hoblock, Senate Print 5835, an act to amend the Executive Law, in relation to requiring that county directors of veterans' service agencies be veterans.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT RATH: The bill is passed.

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

SENATOR SKELOS: Madam President, we'll take up the controversial calendar, and I believe Senator Velella is on his way into the chambers.

ACTING PRESIDENT RATH: There he is as we speak.

SENATOR SKELOS: As I speak.

ACTING PRESIDENT RATH: As we speak. The Secretary will read.

THE SECRETARY: Calendar Number 158, by Senator Velella, Senate Print 2872, an act to amend the General City Law and the Penal Law, in relation to creating the crimes of urinating and begging in public.

ACTING PRESIDENT RATH: Explanation has been requested.

Senator Velella.

SENATOR VELELLA: Yes. This bill

is a simple bill. It has three provisions in it. One, it allows local governments to adopt a local ordinance refrain -- restraining people from sitting or lying down in a public walkway in commercial zones that they designate as commercial zones.

Two, it provides for a crime in the criminal statutes of the state for urinating or defecating in public on the public streets, and it provides for a crime of aggressive begging on the streets of -- local streets in the cities. It would be a Class B misdemeanor for aggressive begging.

ACTING PRESIDENT RATH: Senator Paterson.

SENATOR PATERSON: Thank you, Madam President.

If Senator Velella would yield for a question.

ACTING PRESIDENT RATH: Senator, will you yield?

SENATOR VELELLA: Certainly.

ACTING PRESIDENT RATH: The

Senator yields.

Senator Paterson.

SENATOR PATERSON: Senator, we have a menacing bill on the books right now, Penal Law Section 120.25. We have fraudulent accosting, which is Section 165.3. We have disorderly conduct, Section 220.25 and also we have Section 225 which relates to harassment. So my question to you is, with all of this law that we have made on this subject, do you not feel that the police have the facility to conduct these types of examinations and make arrests when necessary as it stands on the books right now?

SENATOR VELELLA: Obviously, Senator, my answer would have to be no, otherwise I wouldn't have put the bill in. I think that the crime of aggressive begging would be another tool in the arsenal of the police officer to fight these quality of life crimes on the streets of our cities.

ACTING PRESIDENT RATH: Senator Paterson.

SENATOR PATERSON: Senator Gold wanted to know if this bill has the death penalty in it.

SENATOR VELELLA: No, no, Senator. There's no such -- it's only a B misdemeanor. That wouldn't carry that harsh a penalty.

SENATOR PATERSON: Okay. Senator, if you would continue to yield.

ACTING PRESIDENT RATH: Senator Velella, do you yield?

SENATOR VELELLA: Yes.

ACTING PRESIDENT RATH: Yes.

SENATOR PATERSON: You also have in the bill a section that requires the designation of 15 percent of the county as areas for which there would be sort of an enterprise zone whereby between the hours of 7:00 a.m. and 9:00 p.m., during the business hours, individuals would be kept out of these particular areas. They wouldn't be allowed to sit or lie down in these particular areas, and you do -- you are specific about certain exceptions, such as a

parade or something for which whoever is conducting it has secured a legal permit, but my question relates to those public gatherings where there is no permit, perhaps the police aren't taking action, a public demonstration, a political rally, anyone sitting in those particular areas under your bill, as I see it, would make themselves eligible for arrest under this statute. I would suggest -- and I just wanted to hear your reaction -- that perhaps the bill needs to be more specific on this point.

ACTING PRESIDENT RATH: Senator Velella.

SENATOR VELELLA: Senator, I just reread it because I thought perhaps I misread it. We don't require people to apply for permits to do certain things in commercial zones which are socially acceptable. We say that you can't lie in doorways. You can't lay on the sidewalks -- in doorways or on the sidewalks of these commercial zones, and we provide for exemptions from that, such as medical emergency, disabled persons using wheelchairs, crutches or

other assisted devices. Operating or patronizing a commercial establishment on a sidewalk pursuant to a valid permit -- that would be if you're a vendor on that particular street -- that would require a permit, or a street fair or parade. Sitting on a chair or bench supplied by a public agency or abutting property would not be -- require a permit. Sitting on a sidewalk or a bus stop or other transportation site would not require one. Sitting on the sidewalk while engaged in artistic activity would not require a permit. The normal social things that people accept to be seen on the streets of any city or any locality would be exempt from this. People sleeping and lying about the streets and blocking pedestrian traffic would not be allowed under this. That is the purpose of the bill.

ACTING PRESIDENT RATH: Senator Paterson.

SENATOR PATERSON: My apologies, Madam President. I don't think that I was clear enough in my question. I wasn't saying that the

individual needed the permit. I was saying if there was a type of a public demonstration for which there was no permit, then at that point the sitting or lying on the street would not be a -- what would be considered a social act under the legislation, but what I'm actually suggesting is that the individual who -- who is sitting, let's say watching a demonstration or some sort of political rally, would think that there was a permit and since there was not, it would be a way that they might get arrested and, of course, in these types of situations where there is not always a permit, I thought that the individual, without real knowledge that they were breaking the law, would become likely to be arrested where they otherwise wouldn't be, and so what I was suggesting, if Senator Velella would care to comment on what I'm saying as I presented it now, what about the situation where there isn't a license but it is a public gathering and a person is sitting on the ground watching it or lying on a bench watching the proceedings?

SENATOR VELELLA: Well, first of all, we're talking about a civil penalty here, so they're not going to cart people off to jail. That's one thing. The second thing is - and I hate to say this again for the second time in two days, but we have to also assume that some people have common sense in this state, including police officers, and when someone is approached on the street and said -- and a police officer says, "You're in the way. You're blocking pedestrian traffic. If you don't move, I'm going to issue you a violation", I would think that that person would move along as I would, I'm sure as you would, if directed by a police officer because I'm obstructing pedestrian traffic and interfering with a commercial enterprise. I think it's unreasonable to assume that a police officer is going to swoop down on people, issue a summons at random and threaten to lock them up for not obeying a direct order from a police officer.

ACTING PRESIDENT RATH: Senator Paterson.

SENATOR PATERSON: Thank you very much, Senator Velella.

Madam President, on the bill.

ACTING PRESIDENT RATH: On the bill, Senator Paterson.

SENATOR PATERSON: We certainly do assume that people are exercising common sense, but when they're not exercising common sense, that does not necessarily make them so civilly liable for the mistakes that they make.

In this bill, what we think is that there is a sense of unusual punishment for what may at times be actions that people are taking that are, maybe not preferred by society but are certainly not crimes or certainly not civil penalties.

In this legislation, there is certainly a protection against what is really a sort of form of public lewdness that has to be protected. At the same time, the homeless who, for no reason or fault of their own, find themselves in the position that they are in, are often victimized by this kind of a process where

their alternatives and their options are limited.

Thank you, Madam President.

ACTING PRESIDENT RATH: Thank you, Senator Paterson.

Senator Onorato.

SENATOR ONORATO: Senator Velella, would you yield to a question, please?

SENATOR VELELLA: Yes, Senator Onorato.

SENATOR ONORATO: I brought up in committee the person that I was concerned about urinating. You know, it's a common practice for mothers wheeling their little children, when they get caught in a certain situation that they let them go on a curb or against the tree when they're out in public. Now, what's the protection to stop them from arresting the mother, and who gets the fine for urinating in the street, the mother or the infant?

SENATOR VELELLA: Senator, I would assume, first of all, that you would be quite upset if that mother let that happen in

front of your house on your curb, or in front of your tree -- on the tree in front of your house, just as I would be upset. I don't know that it's a common practice. If there is an emergency situation, again, that might be an emergency where a police officer would use discretion, but certainly I don't think the policy of this state should be to allow mothers to let their children defecate and urinate on the public streets. Pigs do that, not people.

SENATOR ONORATO: But does your bill -

SENATOR VELELLA: We charge a dog $100 for the problem of defecating on the streets if the owner is caught. We're only charging $50 for the mother now. We're giving them a bargain.

SENATOR ONORATO: What happens - is there anything specific in here where the child is the one doing the urinating?

SENATOR VELELLA: The mother would be responsible for that, I would think.

SENATOR ONORATO: What if the

child is by itself -

SENATOR VELELLA: Well, if the child -

SENATOR ONORATO: -- playing outside on the street?

SENATOR VELELLA: If the child is by itself -

SENATOR ONORATO: Playing -

SENATOR VELELLA: -- I would assume they may have reached an age of reason and the police officer would either direct them to go home and take care of their personal problem or bring them home. I would think that's the reasonable thing to do. I don't think you would have to cite a minor. That might be some type of an exception that you'd want to do. I don't think they're legally responsible for breaking that law or violating the law.

SENATOR ONORATO: Is there a discretion -

SENATOR VELELLA: The bill that's there, the parent ought to pay a fine for that.

SENATOR ONORATO: But is there a discretion for a two- or three-year-old child who's outside playing?

SENATOR VELELLA: Well, there is -- what happens if a two-year-old child or a three-year-old child commits a more serious crime? We don't indict them and prosecute them. There is a legal -- a legal age of reason for which people are held responsible for their acts. Obviously if they're teenagers, we have a little bit of a higher degree. If they're adults, it's a higher degree. If they're infants under the age of, let's say seven, which is generally accepted as an age of reason, they're really reprimanded and perhaps if this becomes a pattern of conduct, there might be some referral to a Person in Need of Supervision citation or some kind of counseling for people who like to go to the bathroom in public.

SENATOR ONORATO: Thank you.

ACTING PRESIDENT RATH: Senator Montgomery, did you wish to speak?

SENATOR MONTGOMERY: Yes. Thank

you, Madam President.

I don't have any questions for Senator Velella, but I just would like to remind the Senator that while I understand the intent of the legislation, certainly I would not like to have people urinating and defecating in my front yard or in the -- rather, in the -- my front yard is a parking lot, unfortunately, but be that as it may, I don't want them urinating and defecating there either, so -- but I want to call your attention that we have attempted to resolve issues such as this at other times and they haven't seemed to work.

We have criminalized the use of needles -- the use and possession of hypodermic needles as a means, hopefully, of curbing the use of intravenous drugs and, of course, it has not worked. We have criminalized drugs. There have been movements to decriminalize drugs, at least marijuana. We have decriminalized them to the extent that we have people serving long terms in prisons for possessing small amounts of drugs and it still hasn't worked. We have

criminalized mothers of -- whose babies test positive for drugs when they're born, and now we're criminalizing begging, and my suggestion to you is that we are looking to resolve an issue by addressing the symptom of a much deeper and larger social issue, and I don't think that it's going to work, number one, and number two, I just think that it is the wrong approach to look at ways of keeping people from begging by creating jobs, hopefully, and maybe some of those people really aren't in any position to work, but I don't think you're going to resolve it by making criminals of them, and certainly those people who don't have a home, who are homeless and they sleep on the streets, and they sleep in alleyways, and they sleep in subway tunnels and they sleep on subways, they are a menace to all of us in society. They are a horrible menace, and it is a terrible statement about what we have come to in our cities and towns across the state and across the country, but making criminals of them, I don't think is going to solve the problem. We have a much

greater social question, social economic question to address and that in and of itself, I believe, Senator Velella and my colleagues, is where we should be looking and not to make criminals of people who are already down and out.

So, Madam Chair, I will be voting against this, Madam President, and I hope that my other colleagues will also vote against it because Senator Velella is doing the wrong thing for the right reason.

Thank you.

SENATOR VELELLA: Would Senator Montgomery yield to a question?

ACTING PRESIDENT RATH: Senator Montgomery, will you yield to Senator Velella?

SENATOR MONTGOMERY: Sure.

ACTING PRESIDENT RATH: The Senator yields.

SENATOR VELELLA: Senator, is it your opinion that when we decriminalized the marijuana laws of this state that we have solved the problem by decriminalizing them, or do you

think that's still a serious problem in this state, drug abuse?

SENATOR MONTGOMERY: Senator Velella, I believe that it is a major problem for us that we have created a very major criminalization for people who possess small amounts of marijuana, yes, small amounts of drugs of all sorts, and we now have our prisons full of people serving long-term sentences for this kind of crime that is a non-violent crime, while other people are serving shorter terms for more serious crimes and they get out and -- on early parole and what have you.

SENATOR VELELLA: Would the Senator yield to another question?

ACTING PRESIDENT RATH: Senator, will you yield for another question?

SENATOR VELELLA: Senator, it's your opinion that we have helped solve the problem of marijuana and illegal use of marijuana by decriminalizing the possession of marijuana -

SENATOR MONTGOMERY: I think -

SENATOR VELELLA: -- if that was the right way to go and that that has helped solve the problem?

SENATOR MONTGOMERY: Senator Velella, I think that in terms of decriminal izing marijuana, when you take out the tremen dous economic incentive, it is -- it makes a big difference. Yes, I think it makes a big difference. Decriminalizing, taking it out of the criminal code and making it an offense that is against the person but that is not a criminal offense, yes, I think that -

SENATOR VELELLA: This makes it, in effect, a violation.

SENATOR MONTGOMERY: You have now made begging -

SENATOR VELELLA: Begging is different. We were talking about the defecating, I thought you were mentioning.

SENATOR MONTGOMERY: I'm talking about your bill. Your bill includes defecation, urination, begging, sleeping on the sidewalks in certain areas.

SENATOR VELELLA: Senator, each of those categories has a different penalty to it. It's separated.

SENATOR MONTGOMERY: I under stand. I understand.

SENATOR VELELLA: So the aggressive begging, yes, it would be a crime, but I thought -- aggressive begging would be a crime in the sense of a misdemeanor. I thought that you were talking about the defecating portion.

SENATOR MONTGOMERY: I'm talking about the begging. We're criminalizing begging. You're criminalizing begging in the bill. That's what I -

SENATOR VELELLA: If I can, Senator -

SENATOR MONTGOMERY: That's what -- how I understand the legislation.

SENATOR VELELLA: -- what I'm doing is making it against the law to intimidate people and beg with the anticipation that they will receive bodily harm if they don't

participate in your attempt to solicit money from them. When you place another person in fear of physical injury or injury to themselves by the process of begging, you ought to be punished for that. That's my contention and that means Penal Law violation, second time, crime. Maybe you think that we ought to try to do it another way. I would be happy to look at it.

SENATOR MONTGOMERY: Madam President.

ACTING PRESIDENT RATH: Senator Montgomery.

SENATOR MONTGOMERY: I reiterate that we are now placing a criminal offense for begging, and we know that people who don't need to beg, don't beg and people who are begging are doing it for some reason, and I would say that it's certainly not addressing the reason that they're begging, to arrest them and criminalize them, give them a criminal offense and -- with the assumption that a number of these criminal offenses will add up to having a higher offense

and eventually could end them up in an already over-burdened penal system, and I don't think we -- we want to do that. I certainly don't -- I don't think that Senator Velella intends to do that, and so I think while we don't want to see people begging, we certainly don't want to begin to fill our prisons up with beggars who have been arrested because they had no other means except they had to beg for their -- their - their food and whatever else.

Thank you.

ACTING PRESIDENT RATH: Thank you, Senator Montgomery.

The next Senator, Senator Waldon.

SENATOR WALDON: Thank you very much, Madam President.

Would the good Senator Velella yield to a question?

SENATOR VELELLA: Yes.

ACTING PRESIDENT RATH: Senator Velella will yield.

SENATOR WALDON: Senator, I noticed the 15 percent of the sidewalk of the

city in question portion of your bill, and if I understood what you're proposing correctly, that could be selectively any 15 percent in the city in question, is that correct?

SENATOR VELELLA: Yes. It would be targeted by the city as to the purpose of the bill to prevent people from lying in doorways or lying on streets in commercial areas. The local municipality would designate which of those areas to be considered and post proper signage.

SENATOR WALDON: Is it -- if I may continue, Madam President. Would the gentleman continue to yield?

ACTING PRESIDENT RATH: Senator, do you continue to yield? The Senator continues.

SENATOR WALDON: Thank you very much, Madam President.

Senator, would this designated area be limited only to the business district?

SENATOR VELELLA: Well, the city -

SENATOR WALDON: The commercial

zone?

SENATOR VELELLA: The city would create those zones that they felt, that of all the streets that the city may have, 15 percent of them may be designated or less for zones in which they don't want people sleeping, laying about the streets because they are commercial zones. They would have the discretion to designate them as such.

SENATOR WALDON: Madam President.

ACTING PRESIDENT RATH: Senator Velella, do you continue to yield?

SENATOR VELELLA: Yes.

ACTING PRESIDENT RATH: Yes.

SENATOR WALDON: Senator, I thank you for your explanation but I'm still troubled in this sense. I don't see anything in the bill which says that the city cannot be arbitrary.

For example, in New York City, there's Bedford-Stuyvesant, there's South Bronx, there's Harlem, there's Chinatown, there's Little Italy, there's Jamaica, there's nothing in your bill which says that the City cannot

arbitrarily restrict the areas in those communities which are very similar to the community I serve and I represent, meaning a significant portion of my community is Afro American, although the district is about 50/50, but this law, if it becomes law, would permit the City to say, "Ah-ha! Just the sidewalks on Jamaica Avenue." Is that not true?

SENATOR VELELLA: No, Senator, that's not true, and the reason it's not true is because we are not passing this bill in a vacuum. This bill goes into the statutes along with all the other statutes of this state, along with the federal Constitution, along with the state Constitution, and under the federal Constitution and our state Constitution and under the laws that we provide in this state, under civil procedures and court actions, you cannot act arbitrarily and capriciously if you are a government agency. You cannot just act by whim, and you can be -- and that can be enforced in the courts. Certainly, the City would have to exercise some type of discretion and some

type of reasonableness in this, as is required by the statutes and the Constitutions. It's not being passed in a vacuum.

SENATOR WALDON: Would the gentleman continue to yield, Madam President?

ACTING PRESIDENT RATH: Senator Velella, do you continue?

SENATOR VELELLA: Certainly.

SENATOR WALDON: Senator, it is not my purpose to be contentious. I don't think contentiousness accomplishes much, but there's a thing called an Article 78 proceeding, and there are courts and we can go into court.

I respectfully submit to you that your bill might be resolved in regard to my question with a court action but on its face with the words which are here, there's nothing which says we proscribe arbitrary designation of the sidewalks in question. I don't see that, but I want to ask you a second question not related to that.

The people who are being policed by this bill, as you have written it, have you

any data as to what communities they will come from? By that, I mean, are they from the OMRDD facilities, those who have transgressed in the manner which inspired you -- in a manner which inspired you to write this? Are they those who are now no longer in the OMH facilities and are out in the streets? Are the people the Vietnamese veterans who are wandering our streets aimlessly? Who are the people who you anticipate will be arrested as a result if this becomes law?

SENATOR VELELLA: Well, I don't really anticipate that people will be arrested. It provides for issuance of a summons in violation and then only on second offense for it to be a misdemeanor, which could be arrested or could get a desk appearance ticket. So I don't expect police to be coming down, handcuffing people and dragging them off in a paddy wagon to the police station to be processed within the criminal justice system.

However, I don't know how you would find out who are the slobs that defecate

and urinate on the public streets of this city. I don't know how you define who might be someone who lies down in the doorways, where they come from, how they've come to living -- how they've come to assuming these anti-social behaviors, I don't know how you would find those out. All I know is there is a problem in the City. There's a problem in big urban areas and this bill helps to address that, people defecating in the streets, people urinating in the streets, people lying in doorways and interrupting the commercial flow of business and also people aggressively begging and putting people in fear of imminent bodily harm.

Also, Senator, while I'm up and I have an opportunity to respond, there is criteria established, as I was reading, as to what zones must be designated as being commercial areas, and that would be within my bill as it designs which areas that would be defined for the purposes of being patronized by persons working or residing in a city or visitors for purposes of obtaining food or

temporary lodging or engaging in recreational, shopping, educational and cultural activities. That would be the criteria for which a municipality would have to establish a commercial zone. So they could not arbitrarily and capriciously -- they'd act by the confines of the statute.

SENATOR WALDON: Thank you very much, Senator, for that explanation. If the gentleman would continue to yield, Madam President.

ACTING PRESIDENT RATH: Senator Velella, will you yield?

SENATOR VELELLA: Yes.

SENATOR WALDON: Senator, I went all the way to line 39 on page 3 looking for a section that would deal with more porta-potties.

SENATOR VELELLA: I'm sorry, what?

SENATOR WALDON: More portable potties in the City.

SENATOR VELELLA: Portable - portable -

SENATOR WALDON: Portable potties.

SENATOR VELELLA: Portable potties?

SENATOR WALDON: Yes. Porta-johns, public toilets.

SENATOR VELELLA: Oh, okay.

SENATOR WALDON: I don't know if you travel in Europe, but I have often, and there are everywhere and in each city, public toilets. So this is not a problem in many of our sister cities across Europe. Wouldn't it have been something smart -- well, let me take that back. Would it not have been something you may have considered making a provision that we would have public toilets everywhere throughout the cities of this state as opposed to proposing that we lock people up who, in a moment of need, resort to using the streets to defecate and urinate?

SENATOR VELELLA: Senator, you don't know how many times in my life I have wished that we had those facilities available on

the public streets of our cities. Many, many times in my life have I wished for those facilities. However, I think we have a cost factor at a time when we have a budget problem, and certainly I would be happy to see that. We did some experimenting in the city of New York with public toilets and, as you know, they were put on the streets and they were vandalized, wrecked and destroyed. I don't know that it would work. We tried to do it. The City tried to do it. Unfortunately, whether it be the tourists that visit our cities or some of the residents of our city, somebody likes to destroy these things and not allow the public conven ience to be had by all of us. So I don't think it would be a very worthwhile endeavor to spend the taxpayers' money on it.

Unfortunately, our people don't behave, whether they're tourists or not, like the people who do behave in those countries that you might have had the opportunity to visit.

SENATOR WALDON: Would the gentleman continue to yield, Madam President?

ACTING PRESIDENT RATH: Senator Velella, will you yield?

SENATOR VELELLA: Yes.

ACTING PRESIDENT RATH: Yes.

SENATOR WALDON: Senator Velella, do you know anyone who's a diabetic?

SENATOR VELELLA: Sure.

SENATOR WALDON: Do you know anyone who has what's characterized as a prostate condition, not necessarily cancerous, but a prostate condition which may create problems in terms of a need to urinate without warning?

SENATOR VELELLA: I assume so, yeah.

SENATOR WALDON: Is there any provision in your bill for someone who's a law abiding, decent, upstanding citizen who has an attack -- permit me to use that phrase -- as a result of diabetes or as a result of a prostate condition and has no place to go to the bathroom but in the street or to urinate on himself or herself? Is there any proviso in your bill that

people who have a medical condition and may even have their bracelet on that, when the police see that bracelet, they are eliminated from consid eration for the desk appearance ticket and/or the violation? By the way, my understanding of the law, just as an aside, is a desk experience is an arrest.

SENATOR VELELLA: A what?

SENATOR WALDON: An arrest, for the edification of my colleagues, but what happens if somebody who's a diabetic, who has a prostate condition and cannot control the urge to urinate and uses the street?

SENATOR VELELLA: That special provision wouldn't be necessary here because they might -- if they explain to an officer who confronted them and said, "You are breaking the law" and issued that citation, they might receive the citation, although I'd like to think not. I believe you're a former officer. You certainly would not have issued a summons under those conditions if you saw a bracelet, it was an emergency, but there is a system of judicial

judgments that are made on these types of things, and that would be a perfectly valid defense and a perfectly legitimate thing to point out to a judge if you're cited for this, and it might be an inconvenience to go to court, yes, I agree, but the inconvenience is a lot more to the people who have to walk down the streets and see this type of activity by people, and you can go to the judge and explain, "I am a diabetic. I have this condition. It was an emergency", and I'm sure the judge, in all likelihood, would find you not guilty. If he found you guilty, it's a $50 fine. I think you could appeal it and win.

SENATOR WALDON: Thank you very much, Senator.

If I may, Madam President, on the bill.

ACTING PRESIDENT RATH: On the question -- or on the bill.

SENATOR WALDON: On this proposal, I must absolutely and unequivocally agree with the learned Senator from Kings

County, the Honorable Velmanette Montgomery. I think this is too far-reaching. I think we're punishing too many people who are unnecessarily going to be caught up in this net of punitive ness. Most of the people who will be wandering aimlessly on the streets who do not have a bathroom available to themselves will be our homeless population. It will be men and women who are out of the mental institutions, out of the OMRDD institutions, who are veterans who are suffering from some kind of Agent Orange disability or whatever, but people who are not capable of taking care of themselves, and I think it is a waste of our priorities to want to punish them and put them in jail, as characterized by Senator Velmanette Montgomery, and I'm also troubled by the 15 percent despite what the bill says as proposed. I believe it will be selectively enforced in terms of certain areas will have their sidewalks designated as non-usable versus other areas, and I also am very sensitive to the fact that someone who has an illness -- it should not be the purpose of

our government for someone who has an illness to punish that person in an emergency situation.

For all of these reasons, I believe this fails on its face in terms of being the proper approach to dealing with these situations by the people of the state of New York and we, acting as their legislative voice, are really speaking untimely and out of turn.

I will vote in the no on this bill, Madam President.

ACTING PRESIDENT RATH: Thank you, Senator.

The next speaker, Senator Gold.

SENATOR GOLD: Thank you, Madam President.

I'm not so sure Senator Waldon was correct when he said that enforcement of this will be selective. I think enforcement will be mostly people of color, as you would say. I don't know how selective -- I think that's unquestionably what would happen in our city, and it's an easy collar. You know, this -- maybe you can look at this as a pro-police

bill. It's a cold night and the cop wants to get off the streets and pick up a guy, say he's begging, bring him into the precinct, do the paperwork and they're both out of the cold, but really this is an issue of perspective, and this is what bothers me so much today.

You know, is the pen heavy? Well, the pen is heavy compared to a grain of sand but not compared to a chair. It's perspective, and all day today there have been people flooding the Legislative Office Building and coming in to talk to us because they're concerned about the homeless. They're concerned about the helpless. They're concerned about what this budget is going to do to our streets in terms of placing more and more homeless. They're concerned about whether or not people are going to be emptied out of mental institutions and places of care, and I'm sure as they come into the balcony, as they hear what we're talking about today, they must think we've all gone "bazonkers" because the only thing we're doing today to deal with people who are

homeless or people who are helpless or people that are in trouble is to talk about the - whether or not somebody some place is going to do one of these little things that Senator Velella talks about, and I think that the perspective on what we're doing here is incredible.

I mean, I really would rather be in a Conference Committee or some place talking about how we can make the budget humane, and if this is supposed to be the Republican answer to how you make society humane, I'm not surprised because I've seen you people do it before, but I think you pick too easy an enemy. I think you're bullies. I really do. I think you're bullies. You never take on the big guy. You always look, read a poll and see who people may be against today, but on the other hand, I see where you're coming from, Senator Velella.

After all, you have a guy out there and you say to yourself, "When he got up this morning, he had a choice and he stood there and he said, 'Well, today I either want to be a

bank president or I want to lie in a street and beg', and if he chose to beg, we ought to arrest him", and that other guy over there who could have been at some big Wall Street firm trading stocks, instead of that he went behind a building and didn't hide himself enough, but he urinated. He made a choice, an intelligent choice. Society gave him that choice. So I understand the philosophy of your bill.

I think it's incredible. I think it's incredible. Senator Velella, what you're talking about are things which do not make all of us smile. It is not pleasant walking down a street and seeing any of these things happen. It is not pleasant walking down a street and having a human beg money, but it's interesting because your answer to the question is not to help the person at this juncture at any rate - and I don't mean you personally. You're a good person, but this budget doesn't say, "What can we do to stop the person from having to degrade himself or herself and beg in the streets." You don't ask that, but you say, "Get it out of the

way."

You know, there's a lot of people in society -- and they're good people, good people -- who give to charity and they give generously, but in the deep recesses of their mind, they're giving to charity so they don't have to see the human suffering, and when they walk down the street and see the human suffering, they are annoyed because they say, "I don't understand it. I gave money so that I would not have to walk down the street and see the human suffering." So now they get mad about that, and basically that's the philosophy of this bill even though, Senator Velella, I will admit in public you're a good person and I don't think you're an evil or vicious person, but that's what happens here. We're saying that there is human suffering out there and rather than at this point in time to spend all of our energies getting a good budget, a humane budget, a budget which offers opportunity, we've got to get some of this suffering out of the vision of our sight.

The bill doesn't say you shouldn't urinate. It says, "Don't urinate so people can see you", you know, and "Don't beg too hard because people will see you." So the bill tries to cover up human misery. That's all it really does, and in that way, I cannot condone that particular approach to what are very serious problems.

ACTING PRESIDENT RATH: Is Senator Markowitz in the room? He was our last speaker.

SENATOR VELELLA: Would Senator Gold yield, if I can, to a question?

ACTING PRESIDENT RATH: Senator Gold, would you yield for a question?

SENATOR GOLD: Yes.

SENATOR VELELLA: Senator, that was an excellent speech and I agree 100 percent with everything you said, but does it make a difference that this bill does not punish the begging? It punishes the aggressive begging, of putting an innocent citizen in fear of being harmed or some bodily injury coming to them if

they don't respond to the person's request for money. It talks about placing someone in fear of being injured when you beg. If you want to ask somebody, "Can I have a dime -- a dime -- a half a dollar for a cup of coffee", certainly that's not going to be punished, but if you intimidate them and place them in fear of bodily harm to themselves, I think it's proper to punish them.

SENATOR GOLD: Well, having asked me to yield, I'll respond this way: I would first of all adopt the comments of Senator Paterson because Senator Paterson addressed it. There are things which are already crimes and if we've done our job, we don't have to be ashamed of it. We've done our job and we've protected the public.

All I'm saying, Senator, is that you have a wonderful intellect and a good capacity to work, and I'd like to see that directed in other ways. I don't think that whether this bill passes or not, we are going to change one thing out on the streets. If the

cops want to enforce aggressive begging, as you say today, I think Senator Paterson pointed out, they have the tools, and if the cops aren't going to do it, then this bill isn't going to make them do it. So I don't know whether it's really accomplishing anything other than, in my opinion, taking our time and energy away from solving what I think is the real problem.

ACTING PRESIDENT RATH: Senator Markowitz.

SENATOR MARKOWITZ: Thank you very much.

This issue is a difficult one. I'm sure you understand that, Senator Velella, because I wish -- I wish it wasn't even necessary that we even have to bring it to the chamber because I'm sure you know that, for most of us growing up in Brooklyn or anywhere in the City or state, the idea of defecating in public, the idea of -- the idea of urinating, the idea of spitting on our sidewalks was something that none of us, almost all of us never dreamt of doing and, unfortunately, in these days, somehow

public respect for themselves, among some of the public, has decreased dramatically.

This is not the final bill that will ultimately be approved by the state Assembly and on to the Governor, I'm sure, and I'm sure that my colleagues have raised important differences, Senator Velella, important concerns that they have safeguarding those that are -- that have real problems psychologically, that have problems of health, but overall -- some months ago at my district office on Flatbush Avenue, a woman, perhaps in her late 40s, early 50s with her son, perhaps in his early teens decided to urinate in front of my office -- I hope it's not a reflection of how they felt their Senator was, and as I came into the office that morning, I asked the woman, I said, "Excuse me. What is -- what is this young man doing in front of my office", and she responded in a very rational way. "You can see for yourself, Mister." So I did, indeed, see for myself and I mentioned to her, I said, "Listen. This is ridiculous. Certainly there

are enough bathrooms around that it's not necessary for your son to urinate in front of my office", and her response was "He had to go." So all I thought about, after she looked at me like I was the crazy one and she was the sane one that, unfortunately -- unfortunately, we shouldn't have to, in legislation, present role models. We shouldn't have to have -- have to be forced to teach people respect for themselves because we're not talking only public respect.

Anybody that urinates in the streets or spits on the sidewalk has no respect for themselves, let alone any one of us, and so perhaps maybe after this legislation is modified, Senator Velella, perhaps we can pass something that will encourage people to bring out the best in people, to make them understand that this type of behavior is anti-social for themselves, their families and the community that I know they want to live in, and I still believe that they want to live in a decent and clean community.

So like last year, I will support

the legislation this year.

ACTING PRESIDENT RATH: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first day of November.

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT RATH: Senator Dollinger.

SENATOR DOLLINGER: Just to explain my vote, Madam President.

I will be supporting this legislation. I'm going to vote in the affirmative, but as big a crime as this may - this law may attempt to make aggressive begging and lying on the sidewalk, urinating or defecating in public, it seems to me the greater crime may be what we do later this year when we might pass a budget that will put more homeless people on the street, have more people lying on our sidewalks, having more people using curbs as

public facilities and aggressively begging for food and sustenance. That will be the great crime.

ACTING PRESIDENT RATH: Announce the vote.

THE SECRETARY: Those recorded in the negative on Calendar Number 158, Senators Abate, Connor, Gold, Leichter, Mendez, Montgomery, Padavan -- Paterson, Santiago, Smith and Waldon. Ayes 42, nays 10.

ACTING PRESIDENT RATH: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, now that we've finished that riveting and heavy-duty debate, could we take up Calendar Number 197.

ACTING PRESIDENT RATH: The Clerk shall read -- the Secretary shall read.

THE SECRETARY: Calendar Number 197, by Senator Hoblock, Senate Print 3559-A, an act to amend the Vehicle and Traffic Law, in relation to special license plates.

SENATOR STACHOWSKI: Madam President, I just have one question for the sponsor, if he wouldn't mind yielding.

ACTING PRESIDENT RATH: A question from Senator Stachowski. Would you yield, Senator Hoblock?

SENATOR HOBLOCK: Yes.

ACTING PRESIDENT RATH: The Senator yields.

SENATOR STACHOWSKI: The only reason I asked for a question at all was because I noticed earlier in the calendar we passed a bill that took away the fee on the Purple Heart license plates, and I'm just curious if we can anticipate in a couple of years -- because it was only a couple years ago that we passed the Purple Heart license plates -- that we can anticipate eliminating the fee on all of these special plates, because normally what happens is you do the plate for someone and then after they start getting it, they say, "How come I have to pay for this plate", and now I notice today we're eliminating Purple Hearts. That's the

question.

SENATOR HOBLOCK: Well, I guess my intention or desire would be not to have the fee. I don't think we can do it right now. We don't know what the numbers are. The bill that was entertained by the Veterans Committee which was Senator Sears' bill on the Purple Hearts, we felt it was appropriate, not only because there might be a minimum number but recognize that those who first bled for our country deserve that recognition. Quite frankly, I don't think New York State has done enough for veterans. I think it's a small recognition, but until we can understand what the fiscal impact would be as to how many would apply, we chose not to ask for a waiver.

SENATOR STACHOWSKI: If Senator Hoblock would yield for a question.

ACTING PRESIDENT RATH: Senator Hoblock, will you yield?

SENATOR HOBLOCK: Sure.

SENATOR STACHOWSKI: Senator, maybe we could use the license plating of

veterans to get a number and a count for that missing number and count that we need to ID veterans for the Korean and Vietnam buyouts, that if they could get that benefit that all the World War II veterans got that so many of them have been coming to our various offices about all these years and asking for.

SENATOR HOBLOCK: I totally agree with you. I would ask that you help me. I have been trying to get the Comptroller of the state of New York's assistance in this matter since January of 1995 and he has steadfastly refused to cooperate in this endeavor. It seems to me in this advanced age of technology, it shouldn't be very difficult to push a couple of buttons on a computer and come up with this information but, unfortunately, we're not getting the assistance that we need, and to put in the bill that has been vetoed by the previous Governor on numerous occasions, we're working on that bill, and I would hope that you would assist us because in the relatively near future, we're going to have an ID for veterans in this state,

something that has been lacking now for many, many years.

SENATOR STACHOWSKI: Thank you.

ACTING PRESIDENT RATH: Thank you, Senator Hoblock.

Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT RATH: The bill is passed.

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

SENATOR SKELOS: Madam President, if we could return to reports of standing committees for the report from the Crime Victims Committee.

ACTING PRESIDENT RATH: The Secretary will read.

THE SECRETARY: Senator Nozzolio,

from the Committee on Crime Victims, Crime and Correction reports the following bills:

Senate Print 408, by Senator Skelos, an act to amend the Correction Law and County Law, in relation to maintenance of prisoners;

1740, by Senator Skelos, an act to amend the Executive Law and the Penal Law, in relation to payment of fee by persons sentenced to probation;

2110, by Senator Saland, an act to amend the Executive Law and the Social Services Law, in relation to making reports for child abuse;

2244, by Senator Nozzolio, an act to amend the Correction Law, in relation to limiting time allowances for good behavior for sexual offender;

2337-C, by Senator Skelos, an act to amend the Correction Law and the Criminal Procedure Law, in relation to notification concerning release of escaped inmates;

2818, by Senator Nozzolio, an act

to amend the Correction Law, in relation to charging taxes on sales to commissaries and canteens;

5951, by Senator Nozzolio, an act to amend the Penal Law, in relation to establishing the crime of aggravated assault.

All bills directly for third reading.

ACTING PRESIDENT RATH: Without objection, all bills directly to third reading.

Senator Skelos.

SENATOR SKELOS: There being no further business -- there being no further business, I move we adjourn until Wednesday, February 14th, 1996 at 11:00 a.m. sharp.

ACTING PRESIDENT RATH: Without objection, the Senate stands adjourned until Wednesday, February 14th at 11:00 a.m. sharp.

(Whereupon, at 4:07 p.m., the Senate adjourned.)