NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 26, 2002

11:06 a.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

I ask everyone present to please rise and join me in the Pledge of Allegiance to the Flag.

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

ACTING PRESIDENT MEIER: In the absence of clergy, may we bow our heads in a moment of silence.

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

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Monday, February 25, the Senate met pursuant to adjournment. The Journal of Saturday, February 23, was read and approved. On motion, Senate adjourned.

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

Senator Skelos.

SENATOR SKELOS: Mr. President,

there will be an immediate meeting of the Finance Committee in the Majority Conference Room.

ACTING PRESIDENT MEIER: Immediate meeting of the Finance Committee in the Senate Majority Conference Room.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Larkin, from the Committee on Racing, Gaming and Wagering, reports:

Senate Print 2656A, by Senator Larkin, an act to amend the General Municipal Law;

3764, by Senator Larkin, an act to amend the General Municipal Law;

3765, by Senator Larkin, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

3896, by Senator Larkin, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

And Senate Print 4319, by Senator Larkin, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

Senator Rath, from the Committee on Local Government, reports:

Senate Print 1428, by Senator LaValle, an act to amend the General Municipal Law;

1430, by Senator LaValle, an act to amend the Town Law;

1456A, by Senator Rath, an act to amend the Real Property Tax Law;

2405, by Senator Seward, an act to repeal Section 4 of Chapter 668;

2540, by Senator Leibell, an act in relating to maintaining;

2590, by Senator LaValle, an act to amend Chapter 246 of the Laws of 1916;

2672A, by Senator Nozzolio, an act to amend the General Municipal Law;

3222, by Senator Maziarz, an act to amend the General Municipal Law;

3266, by Senator LaValle, an act to amend the Town Law;

3267, by Senator LaValle, an act to

amend the Town Law;

3421, by Senator Rath, an act to amend the Real Property Tax Law;

4195, by Senator Volker, an act to amend the General Municipal Law;

6051, by Senator Rath, an act to amend the Town Law;

6106, by Senator Morahan, an act to amend the Volunteer Firefighters Benefit Law;

6139, by Senator Maziarz, an act to authorize;

And Senate Print 6195, by Senator Leibell, an act to amend Chapter 742 of the Laws of 1971.

All bills ordered direct to third reading.

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

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: Mr. President, I

believe there are substitutions at the desk. If we could make them at this time.

ACTING PRESIDENT MEIER: Yes, we can.

The Secretary will read the substitutions.

THE SECRETARY: On page 15, Senator Maziarz moves to discharge, from the Committee on Transportation, Assembly Bill Number 3509 and substitute it for the identical Senate Bill Number 3701, Third Reading Calendar 165.

And on page 19, Senator Kuhl moves to discharge, from the Committee on Education, Assembly Bill Number 8779A and substitute it for the identical Senate Bill Number 6122, Third Reading Calendar 207.

ACTING PRESIDENT MEIER: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could adopt the Resolution Calendar in its entirety.

ACTING PRESIDENT MEIER: The question is on the adoption of the Resolution

Calendar. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The Resolution Calendar is adopted in its entirety.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to the noncontroversial calendar.

ACTING PRESIDENT MEIER: The Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 65, by Senator Meier, Senate Print 1447A, an act to amend the Domestic Relations Law, in relation to notification concerning orders of support.

ACTING PRESIDENT MEIER: Read the last section.

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

January.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 122, by Senator Skelos, Senate Print 126, an act to amend the Civil Practice Law and Rules, in relation to the time to take an appeal.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 125, by Senator DeFrancisco, Senate Print 430, an act to amend the Criminal Procedure Law, in relation to access to sealed records.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 128, by Senator Lack, Senate Print 2015, an act to amend the Penal Law, in relation to definitions of criminal enterprise.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 133, by Senator Marcellino, Senate Print 781, an act to repeal Title 17 of Article 23 of the Environmental Conservation Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 36. Nays, 1. Senator Gentile recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 134, by Senator Saland, Senate Print 3917, an act to amend Chapter 748 of the Laws of 1991 amending the Environmental Conservation Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 149, by Senator Leibell, Senate Print 5082, an act to amend the Highway Law, in relation to the designation of the "Sergeant Albert Ireland Memorial Highway."

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 206, by Senator Bruno, Senate Print 6292, an act to amend Chapter 987 of the Laws of 1971.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 207, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number

8779A, an act to amend the Education Law, in relation to requiring.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

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

SENATOR SKELOS: Mr. President, if we could go to the controversial calendar.

ACTING PRESIDENT MEIER: The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 122, by Senator Skelos, Senate Print 126, an act to amend the Civil Practice Law and Rules, in relation to the time to take an appeal.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator Skelos, an explanation has been requested of Calendar 122 by Senator Paterson.

SENATOR SKELOS: Thank you, Mr. President.

Senator Paterson, this proposal amends the CPLR to provide that an appeal of an order or judgment may be taken before the

order of judgment is entered.

Under the current statutes, as applied in some counties, the clerk will not accept the notice of appeal for filing until formal entry of the order or judgment has been made and is in the computer.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: The explanation is satisfactory, Mr. President.

ACTING PRESIDENT MEIER: Does any other Senator wish to be heard on the bill?

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 36. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 125, by Senator DeFrancisco, Senate Print 430, an act to amend the Criminal Procedure Law, in

relation to access to sealed records.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: If we could lay it aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 207, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8779A, an act to amend the Education Law, in relation to requiring certain public school facilities.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator Kuhl, an explanation has been requested of Calendar 207 by Senator Paterson.

SENATOR KUHL: Thank you, Mr. President.

This is a proposed piece of legislation that would require every school district in this state which has the capacity of having 1,000 people within one of its buildings to have a defibrillator on the

premises. Defibrillators are a new technological piece of equipment, medical equipment, that can terminate cardiac arrest and restore a person's heartbeat and actually bring them from death back to life.

We have had several instances in this state where young people -- had one most notably down on Long Island, where a young man was playing lacrosse, totally physically fit, no apparent problems healthwise, was a cocaptain -- a freshman -- of the varsity lacrosse team, played the position of goalie, took a shot on goal, normal, blocked it with his chest, had a chest protector on, but picked the ball up after he blocked the goal, took two steps, fell to his knees and died.

The general medical philosophy is that had a defibrillator been there, that that boy would be alive today and playing as a junior in high school, leading his team to victory.

We've had several instances like that where you have had young people caught in the middle of a normal heart rhythm with some sort of a blow -- either a football, an elbow

from a basketball game -- and their heart has stopped.

So this is a proposal that would require school districts to have this piece of equipment on the premises. In my opinion, every school district should have one now, but they don't. It's a relatively insignificant cost; we're told that anywhere from $1500 to $3,000 per piece.

This bill would require every school district which, as I said, has a building that has a capacity of a thousand students or people within it, to have one on the premises and to provide the appropriate training to one individual when in fact there was that event being held.

So that training, we're told, is relatively insignificant. It's provided in - can be provided with an additional 15-minute training span along with the normal CPR kind of training that's administered to anybody who wishes to be certified CPR-qualified.

So that's the essence of what the bill is. It is -- is it a mandate? Absolutely, Senator, it is. But it's a

mandate that we think will save lives of our young people.

And certainly this chamber has led the forefront, if you will, of providing quality safety in our schools. You may remember we passed a bill last year that dealt with providing protection for schools in the potential threat of terrorism that we've all really been confronted with in this last year.

This is certainly not anticipated to be a terrorist event, but it is an event that could essentially threaten the safety of many of our young people.

So is it a mandate? Again, yes, it is a mandate. But it's a mandate that we think is well within the acceptability and ability and affordability of any school district to provide.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Kuhl would yield for a question.

ACTING PRESIDENT MEIER: Senator Kuhl, do you yield for a question from Senator Paterson?

SENATOR KUHL: I'd be happy to.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR PATERSON: Senator, I am very much compelled by your explanation and the substance of the bill itself. Many of the parents who evoked their feelings at the committee meeting yesterday I think just give more credence to the fact that this is a great thing we should be doing.

My question just is about cost. And if it is a mandate, at some point we're going to have to come up with the funding for it. And as the bill is being passed right now, it doesn't actually exist, to my point of view.

And so I'm really just trying to elicit from you what the plan is to make sure that we will have the resources in our upcoming budget that you know we will pass on April 1st this year, and we will hopefully be able to say to these parents and to all the school districts around the state that not only have we acceded to their request and feel moved by this great idea, but that we'll have

the revenues to actually finance it.

SENATOR KUHL: Senator, I don't know as we know at this moment what the projected total cost would be for immediate implementation. The definition, as I indicated to you, requires a defibrillator to be on school premises when in fact there is a capacity of a facility to house a thousand people.

Now, that thousand people doesn't necessarily refer to students alone. Students, administrators -- it could be janitorial staff, it could be visitors to the facility.

So it deals upon capacity. And I don't think that we have any statistics right now that indicate to us how many buildings that is.

But I know that you don't want me to incur the wrath of those people who resist mandates alone. So I would say to you, Senator, as I've said to the people in the committee, this is not a partisan bill. This is not a Majority Conference program bill. If you were to put in front of me a form, as

Senator Larkin has, asking to be a cosponsor of this bill, requesting you to be a cosponsor of that bill, I would sign that immediately.

This is a bipartisan bill. It's open to all the members of your conference, should you wish to become cosponsors. And I welcome you sharing in the responsibility that will be incurred as a result of passing this legislation.

Now, I was told by John and Karen Acompora, who are the parents, the people who lost a son, which really has kind of been the catalyst for this bill -- their son Louis was the young man that I talked about. And they have told me, as they've traveled around the country, that they've seen the cost of each individual device being as low as $1,400.

Particularly in an instance when Pennsylvania adopted similar kinds of legislation or requirements for each school district to provide defibrillators, that they did a state bid and state purchase for all of their school districts.

So I anticipate that if you look at the statistics, that there are roughly 3,000

facilities that could potentially qualify under this mandate, and you had a $1,500 expense, that you're looking somewhere around the cost of $4.5 million statewide to implement this process. I think that's well within our means, to provide that funding over the next year.

Now, I also should say to you, Senator, that this bill admittedly has some question as to the definability of its mandate on school facilities. There's some question as to who actually will be required. In some cases, it's clear, but in some cases it's not because of the way that the mandate has been delivered.

So we will be following this bill up with a chapter amendment, which I expect to hit the floor of this house within the next two weeks -- certainly by the time of March 27th, when we adjourn after having adopted a budget -- that will in fact mandate that every school district and every school facility, all 3,000 buildings in the state, have a defibrillator available to be utilized.

I don't want to be in the position

of having cast a mandate that doesn't provide the protection to every one of our students in every one of our facilities in this state. I think that is absolutely essential.

And $4.5 million for a one-time expense seems just infinitely small when you talk about the loss of a life, as John and Karen Acomporo have suffered with their son Louis being lost when it wasn't necessary.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, Senator Kuhl is correct, this bill is not a partisan bill. It has passed the Assembly. It's something that we saw happen to some of our neighbors, that the anxiety and fear elicited is one that all of us who are parents would fear could actually happen.

I know I was involved in an accident when I was in school, years ago, of far less circumstances, but there was a lot of injury, and we didn't have a school nurse on the premises at the time. And sometimes, unfortunately, it takes an incident like this to get us to act.

I just wanted to clear up or at least put on the record that -- the need for us to make sure that the financing will be there, and Senator Kuhl has been very persuasive.

I've been here 17 years; I have never been offered cosponsorship by one of my colleagues in this chamber during the discussion of a bill. And I am not going to let this opportunity go to waste.

So, Senator Kuhl, I have filled out the buck slip and I am going to come over and put it in your hands right now.

Thank you, Mr. President.

SENATOR KUHL: I'll take that right out of your hand.

SENATOR PATERSON: Oh, he came to me.

ACTING PRESIDENT MEIER: Does any other Senator wish to be heard on the bill?

SENATOR MONTGOMERY: Yes.

SENATOR PATERSON: I am flattered beyond belief. This is a moment -- where is the Senate photographer?

(Laughter.)

ACTING PRESIDENT MEIER: Just a second. The Senate photographer is here. We'll memorialize the moment.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I just wanted to make a comment on this legislation.

I voted in committee without recommendation, and I'm certainly not opposed to this legislation. I think it's good, it makes a lot of sense. I just did have a question for Senator Kuhl as to why -

ACTING PRESIDENT MEIER: Are you asking Senator Kuhl to yield for a question?

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT MEIER: Okay. Senator Kuhl, do you yield to a question from Senator Montgomery?

SENATOR KUHL: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR MONTGOMERY: Yes, Mr. President, through you.

I think that Senator Kuhl has already answered this question, but just to be

certain. I wondered why it only referenced schools with 1,000 or more, which essentially means that it's only New York City, as far as I can tell, or basically New York City which would be under the mandate to do this, as opposed to other schools in other parts of the state. And therefore, we pay the price first.

So I don't know why it is that you just restricted this to 1,000 or more.

ACTING PRESIDENT MEIER: Senator Montgomery, excuse me a moment.

There's a bill before the house. We're trying to conduct a debate. Could we have some order in the chamber, please.

Senator Montgomery.

SENATOR MONTGOMERY: I just wanted to find out from Senator Kuhl why we in New York City, primarily, where we have so many schools with more than a thousand, that we would be hit the hardest initially with this legislation in terms of being required - schools being required to do this.

SENATOR KUHL: Senator, I think you're probably mistaken in the intention to direct this mandate, if you will -- and I

don't like using the word "mandate," but I'll -- and I won't. I'll use "this directive" to school superintendents, to actually fill this void that exists.

The language of the bill talks about, specifically -- and I was not the original drafter. Assemblyman Weisenberg was the original drafter. He brought the bill to me, asked me if I would cosponsor it. I said "Absolutely, I'd love to cosponsor it." So I have. So I can't claim initial authorship of the language.

But the language of the bill talks about school facilities, quote, unquote, in the bill, school facilities that have a capacity of a thousand or more.

Now, I can tell you that every one of -- with the exception of maybe one or two of the schools in my area of the state, and many of them don't have a student population larger than a thousand -- but every one of them have a gymnasium or an auditorium or a soccer field or a football field that has a capacity greater than a thousand.

So this bill would apply to them.

So it's not aimed at New York City, it's aimed at a size facility.

Now, if you have a school district like the Border City School District, which is just outside Geneva, New York, which has 82 students, it probably is not going to apply.

But for all of the other facilities, whether they're 300, 500, 700 - which was most of the school districts in the state -- and I would guess this bill probably applies to 80, 90 percent of the schools because of that language, school facilities which have a capacity of a thousand or more.

So I think you're mistaken to interpret that to mean that it only will apply to New York, because I think it applies to practically every school district in the state.

But we're not going to rest at that point. We're going to change the chapter amendment to make sure that there is no question about who it applies to and in what circumstances, just specifically say in a chapter amendment that every school building will have a defibrillator, and that will

eliminate any question of how who it applies to and who it doesn't. Okay?

SENATOR MONTGOMERY: Okay. Thank you, Senator Kuhl.

Mr. President, I accept Senator Kuhl's explanation. I still obviously do have some reservations, because once again it will be New York City that will bear the initial burden of fulfilling this mandate at a time when we are least able to take on any new responsibilities that cost money.

However, it's a good idea, and I am going to vote yes on this legislation.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

I came in very late in the discussion. And I just came from the Westchester delegation's meeting, and one of the items, as I walked out of the room, was the concern that they were expressing about having to implement mandates without any state support. And because I am very supportive of those concerns on the part of our mayor, I

certainly would not want to put undue burden on our cities.

However, I also, having come out of a health background, understand how hard our fire department and some of our ancillary support services have been trying to provide these kinds of defibrillators because of the kind of lifesaving device that they are.

For me it becomes more important to ensure that this is available to anyone who may become in need and in distress. And it is a burden that unfortunately we will have to bear and we will just have to look at ways that we can support it in our local communities.

But it is certainly something that I could not possibly vote against.

ACTING PRESIDENT MEIER: Senator Alesi.

SENATOR ALESI: Thank you, Mr. President. On the bill.

I'd like to commend Senator Kuhl as the sponsor of this bill, and also as a proud cosponsor of this bill. But I would also like to enlarge on the entire concept of why these

automatic defibrillators are essential in today's society.

First of all, they're state-of-the-art technology that we know are vitally important in saving lives. But what most people probably don't know is that this is only one of four elements in what is called the "chain of survival."

This month, in February, we focus on heart health. The American Heart Association has sponsored this "chain of survival." And I would like to, for the record, call everyone's attention to the elements of this.

The first, of course, if someone is in cardiac arrest, the first most important thing to do is to call 911. The second most important thing to do is to perform CPR. Then, thirdly, for those qualified, to apply automatic defibrillation. And, fourthly, to get advanced care. Which means advanced life support and/or the hospital.

First and foremost, however, I would like to say that 911 is essential.

I'm saying this because I've had

two occasions within a six-month period to come upon people who have had cardiac arrest. In the first instance, the victim unfortunately was down for more than ten minutes. And although I and others tried to revive him, it wasn't possible because of the amount of time that he was down. In the second instance, we were more fortunate.

The point I'd like to make here is that there wasn't anybody there, in a crowd of over a thousand people, that could effectively, on the first victim, perform CPR, nor was there in this convention center an automatic defibrillator, which, if there had been, it might very well have saved this person's life. And while he wasn't a young person -- he was in his fifties -- it points out the importance of immediate treatment.

And I'd like to continue. What Senator Kuhl is doing I say is a very essential piece of dealing with cardiac arrest. And I've pointed out that it is only one of four major steps that have to be taken in the chain of survival.

But let me also point out that as a

cosponsor of this bill, I'm also a sponsor of a bill that requires automatic defibrillators to be in any place that can accommodate a thousand people, not just schools.

I and many of my colleagues here cosponsored a bill that was sponsored by our good friend Senator Roy Goodman last year that provided tax credits for private enterprises that bought their own automatic defibrillators.

I'm also a sponsor of a bill that hopefully will go through the Education Committee this year, as it did last year, that requires, in every high school in New York State, that students, either in their health classes or in their physical education classes, be taught CPR. Now, this would not be a requirement for graduation, but it would be a requirement for those two classes.

And why would we want to put this imposition on people in our high schools? Some would call it a mandate. Unfortunately, the Assembly did not pass this bill last year because the Assembly Education Committee said that requiring high school students to learn

CPR is a mandate.

And there are costs associated. My good friend and colleague Senator Paterson asked about the cost. I think the answer is that the cost of one life is surely worth that.

But if I go back to the chain of survival -- and I'm sure I have everybody's attention here today, because this is such a vitally important issue -- that in the city of Seattle, where there was a concentrated effort for public education when it comes to CPR and the chain of survival, the survival rate for cardiac arrest went from a national average of 5 percent to 25 percent. In other words, it went from one in 20 that survive to four.

Now, I'd like to say that, Senator Kuhl, I applaud you for your efforts. But I would also like to say to this honorable body and our colleagues across the building in the Assembly that this is just one single piece of what has to be done in addressing cardiac arrest. We have the technology available through automatic defibrillators. But the second most important thing in the chain of

command after calling 911 is CPR.

And without all of those things and without the public education, without support of the Education Committee chairman with the defibrillator bill, we can't go from a one in 20 to a one in four survival rate.

And I believe that this year the maximum effort should be put forth by both houses and by the Governor to have a comprehensive approach to educating people in this state, starting in the high schools, to perform CPR, to understand the chain of survival and to, yes, use automatic defibrillators, not only in schools but in every public place.

And, as we have already done, shown support to Senator Goodman's bill by providing tax incentives for those private enterprises that, by the way, have already taken the lead in providing automatic defibrillators because they understand that they are lifesaving devices and can be used pretty much by everyone.

Behind me there are some students from Henrietta, which is a school in my

district. These are exactly the kind of people that would benefit from learning CPR, learning how to use AEDs, and understanding the chain of survival. In welcoming them here, I would use them as an example of those ambassadors for good health that could be in our communities.

So that when someone comes upon someone in cardiac arrest, as I have done twice in my life, they won't encounter a group of 500 or 1000 people or even a couple of dozen people that don't know what to do, that simply don't know what to do, that could save a life, that could improve the survival rate from 5 percent to 25 percent.

Senator Kuhl, I'm proud to cosponsor your bill. I applaud you. But I would implore all of my colleagues here to look at a much more comprehensive approach that embraces the chain of survival. First of all, calling 911 before anything, learning and being able to administer CPR, using automatic defibrillators and getting advanced life support and/or hospital.

Thank you very much.

ACTING PRESIDENT MEIER: Senator Malcolm Smith.

SENATOR MALCOLM SMITH: Thank you very much, Mr. President.

And I am -- actually, I'm glad you called me at this point, because I was a little distracted when I noticed my colleague Senator Gentile was sitting in Chairman Stafford's seat. I was a little concerned. But now that he's informed me that it was he was talking to his colleague and not to worry, I can go on with my comments.

Just briefly, Senator Kuhl's bill -- you know, it's interesting we -- when I first came to the chambers, I heard a lot of discussion around unfunded mandates. And I believe Senator Alesi said it best, what is this particular unfunded mandate in terms of cost relative to a person's life.

And I have in my district, in some unpublicized moments, had a couple of youngsters who have fell prey to having a cardiac arrest and obviously did not survive. And I can tell you that it's probably one of the most heart-wrenching things to talk to a

parent or talk to someone who felt as though something could have been done or should have been done, only if.

And so I would say to Senator Kuhl that while this may be an unfunded mandate, I would hope that the obligation of each and every person in this particular chamber, the Governor, and the Assembly understands that there are priorities in life. And clearly this is one of them that needs to move from the point of being an unfunded mandate to one which we put the type of financial resources behind it.

I am enjoying supporting this bill. I believe my office has already buck-slipped it. If they have not, then somebody will be on probation. But it should have occurred already. And I am just looking forward to the passage of this and having the Governor sign it.

ACTING PRESIDENT MEIER: Senator Brown.

SENATOR BROWN: Thank you, Mr. President.

I too would like to commend Senator

Kuhl on this piece of legislation.

We had the opportunity to discuss this bill in the Education Committee meeting yesterday. And I'm hoping that I'm not being redundant, but I come from Buffalo and Niagara Falls, as you know. And the school districts in Buffalo and Niagara Falls are school districts that are in some financial difficulty. I think Buffalo next year will be looking at a $20 million deficit.

So certainly I'm very concerned about the cost of things that this body does and passing those costs along to school districts and local governments.

But Senator Kuhl had a family, a husband and wife that lost their 14-year-old son in the Education Committee meeting yesterday. That 14-year-old was a lacrosse player. And, Senator Kuhl, I don't know if I'm repeating something you've already said. That 14-year-old was a lacrosse player, a healthy young man, playing in a lacrosse game with a chest protector on. And he blocked a lacrosse ball with the chest protector, took two steps, and then fell to the ground in

cardiac arrest.

And there was no automated external defibrillator present to be able to assist him in what occurred to him physically. Had there been one of these units present during that game, that young man probably would not have lost his life. That healthy 14-year-old athlete would still be with us today.

I have to tell you it was very heart-wrenching for me to listen to the family not only recount the story of what happened to their young son but also to hear about their crusade around the state bringing the message of what happened to their son to other communities and to other parents so that the potential of this kind of incident not happen to any other young person in communities around the state.

So the question is what kind of price do you place on a life. I know that, you know, budgets are tough in school districts probably all across the state of New York. But if this legislation saves one young person whose heart stops during athletic competition or whose heart stops just walking

down a hallway in school, then this is legislation that to me is worth everything that we do today.

I am very happy to support this legislation, and I really want to thank Senator Kuhl for offering the opportunity for any of us who would like to join him as a cosponsor of this bill in being able to do so. I will be buck-slipping onto the bill, and I urge other colleagues to do the same.

Thank you, Senator Kuhl.

ACTING PRESIDENT McGEE: Senator Fuschillo.

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

ACTING PRESIDENT McGEE: There will be an immediate meeting of the Energy Committee in the Majority Conference Room.

Any other Senator wishing to speak on the bill?

Hearing none, the debate is closed.

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT McGEE: Announce the results.

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

ACTING PRESIDENT McGEE: The bill is passed.

Senator Marchi.

SENATOR MARCHI: Madam President, I request unanimous consent to have -- on the Calendar Number 133, Senate 781, that I be recorded in the negative.

ACTING PRESIDENT McGEE: Without objection.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I request unanimous consent to be recorded in the negative on Calendar 122, Senate Print 126.

ACTING PRESIDENT McGEE: Without objection.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam

President, would you please take up Calendar Number 125.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Calendar Number 125, by Senator DeFrancisco, Senate Print 430, an act to amend the Criminal Procedure Law, in relation to access to sealed records.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT McGEE: Senator DeFrancisco, an explanation has been requested.

SENATOR DeFRANCISCO: This allows for an exception to the general rule that if records are sealed -

ACTING PRESIDENT McGEE: Senator DeFrancisco, will you suffer an interruption.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, could we have the last section read for Senator Smith to record his vote.

ACTING PRESIDENT McGEE: Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT McGEE: Senator Smith.

SENATOR MALCOLM SMITH: Yes, I'd just like to request unanimous consent to be recorded in the negative on Calendar Number 125. I have to leave the chambers, and I appreciate that accommodation.

ACTING PRESIDENT McGEE: So recorded.

Withdraw the roll call.

Senator DeFrancisco.

SENATOR DeFRANCISCO: This bill provides for an exception to the unavailability of information about sealed records.

And basically what it says is for certain professions, upon extraordinary circumstances being shown and notice given to the individual whose records are sought to be reviewed in a terminated criminal proceeding, a court could authorize the review of the records of an attorney, a doctor, a dentist, a

member of the pharmacy industry, nursing, or any other school district, for the purposes of determining whether or not there should be disciplinary proceedings or suspension proceedings concerning their license.

ACTING PRESIDENT McGEE: Senator Paterson.

SENATOR PATERSON: Madam President, if Senator DeFrancisco would yield for a few questions.

ACTING PRESIDENT McGEE: Senator DeFrancisco, will you yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR PATERSON: Senator, I think the determination of records being sealed is something that's kind of subjective in the first place.

And then the further determination of an extraordinary circumstance where we would actually rescind our first action and now reveal the records is something that in my opinion is hard to fathom what that circumstance would actually be, extraordinary

as it might have been.

Because to seal records in the first place, what we are really saying is that this type of offense was not something of a nature of or was there any pattern of conduct that we need to know anything actually further about it.

And so I just, on the face, want to make it clear that I have a problem with the legislation.

My question is, do the records relate to any conduct that the doctor or lawyer or any of the other professions that have been mentioned may have performed while they were a youth?

SENATOR DeFRANCISCO: Well, therein lies the discretion of the court.

It would seem to me if there was a sealed record and the person seeking the records attempts to obtain information that really is irrelevant to the practice of their profession, and it's happened when they were a youth, it would seem to me that any court using that standard of extraordinary circumstances would recognize that this

happened before the person was even licensed to practice that profession.

And to suggest that something that happened before the licensing was relevant to a determination about discipline or suspension would not fit in those extraordinary circumstances.

SENATOR PATERSON: Thank you, Madam President. If Senator DeFrancisco would yield for one last question.

ACTING PRESIDENT McGEE: Senator DeFrancisco, do you continue to yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT McGEE: The Senator yields.

SENATOR PATERSON: Madam President, we have a memo here from the Trial Lawyers Association, and they seem to find this type of action to be somewhat arbitrary.

I'm wondering if Senator DeFrancisco would at least recognize the fact that there's almost -- while I would not necessarily call it a double jeopardy, but certainly a double certainty that an action taken at one time in someone's life would

actually bring them under scrutiny two times.

SENATOR DeFRANCISCO: First of all, I am a lawyer and a trial lawyer. So I don't openly look to dispute what their opinions are.

However, when you're drawing a bill like this, it's a matter of balancing various things. And it seems to me when you're talking about the medical profession and the legal profession and teachers who may be dealing with our children, that there's an interest that at least ought to be balanced in disciplinary or suspension proceedings to take into account a serious incident for which - which may have some relevance in whether that person should continue to practice their profession.

So obviously any bill where you're trying to balance competing interests, you could fall on either side of it depending upon what your personal beliefs are. It's just my opinion that we have to protect those people that could be affected by people who have state licenses, and this is a way that at least information has a chance to be

disclosed, but they've got to prove extraordinary circumstances.

So I just strike the balance in a different spot than maybe you do.

ACTING PRESIDENT McGEE: Senator Paterson.

SENATOR PATERSON: Thank you, Madam President. On the bill.

It's my opinion that it's an extraordinary circumstance that compels the court to seal records in the first place. That an individual who is put in the position of being allowed by our society to in a sense wipe the record clean on some action that they took that otherwise would be illegal and otherwise would even be punishable, is because this person's record has been such that this is something we don't want to burden them because it's an action that's out of the ordinary for them, or it's just an action that of and in itself was not something that was particularly injurious to society.

So I think that we have to be very scrupulous in our care of allowing for records to be sealed in the first place.

Having said that, I don't know if the distinction of the profession of the violator necessarily should impact upon the sealing of the records after the fact as it should be before the fact.

So post hoc, ergo propter hoc, I don't think that there's any reason to seal records if, even at the time of the judge's final sentencing or the decision to remove this material from the record, that that information itself needs to be reviewed at that particular time. And if the records are then sealed, then I would feel that just about any citizen is pretty much on an equal balance at that time.

ACTING PRESIDENT McGEE: Any other Senator wishing to speak on the bill?

Read the last section.

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

ACTING PRESIDENT McGEE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT McGEE: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 125 are Senators Andrews, Connor, Duane, Hassell-Thompson, Ms. Krueger, Montgomery, Paterson, and Senator M. Smith. Ayes, 49. Nays, 8.

ACTING PRESIDENT McGEE: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, may we return to motions and resolutions. I believe there's a privileged resolution by Senator Morahan at the desk. May we have the title read.

ACTING PRESIDENT McGEE: The Secretary will read.

SENATOR FUSCHILLO: By Senator Morahan, Legislative Resolution Number 4188, paying tribute to the life of Reverend Stanislaus P. Jablonski, distinguished citizen and devoted member of his community.

ACTING PRESIDENT McGEE: On the resolution, all in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Those opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The resolution is adopted.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, there's a privileged resolution at the desk from Senator Hassell-Thompson. May we have the title read and move for its immediate adoption.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: By Senator Hassell-Thompson, Legislative Resolution Number 4064, congratulating Lisa A. Copeland upon the occasion of being awarded the International Institute of Municipal Clerks designation of Certified Municipal Clerk.

ACTING PRESIDENT McGEE: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

I rise to congratulate Lisa Copeland on a significant piece of work. Lisa

is the only clerk in the County of Westchester -- and we think one of two in the State of New York -- to have such an International Institute of Municipal Clerks designation.

And as a young woman of 32 years old, who has given a lot of herself to her community and to the work that she does, I am more than pleased to ask my colleagues to join me in the signing and support of this legislation supporting this young woman today.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Thank you, Senator Hassell-Thompson.

Senator Paterson.

SENATOR PATERSON: Well, Madam President, it was through the auspices of Senator Ruth Hassell-Thompson that I met Ms. Copeland a couple of years ago, and have noticed her efforts and her work as a clerk in City of Mount Vernon. But also as a citizen of the City of Mount Vernon, she is truly outstanding and deserves international recognition. As I do, but I've never gotten it.

So I'm very happy for her.

ACTING PRESIDENT McGEE: Thank you, Senator Paterson.

Any other Senator wishing to speak on the resolution?

All in favor of adopting the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The resolution is adopted.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

May we return to reports of standing committees. I believe there's a report of the Finance Committee at the desk.

ACTING PRESIDENT McGEE: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations:

As Commissioner of the Interstate Environmental Commission, Gerard Kassar, of Brooklyn.

As members of the Veterans' Affairs Commission, Anthony M. Bonarti, of Cortland, and Patrick Devine, of the Bronx.

As a member of the Advisory Council on Agriculture, Charles E. Wille, of Montgomery.

And as a member of the Board of Visitors of the New York State Home for Veterans and Their Dependents at Montrose, William Rizzuto, of Dobbs Ferry.

ACTING PRESIDENT McGEE: On the question of the confirmations, all in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Senator Gentile.

SENATOR GENTILE: Yes, Madam President. I'd just like to speak on one of the nominations, if I might.

ACTING PRESIDENT McGEE: Senator Gentile.

SENATOR GENTILE: Yes, I just

would like to congratulate again the Governor for the reappointment of Gerard Kassar, of Brooklyn, for the Interstate Environmental Commission.

Gerry Kassar is well qualified, he's been on this commission, he knows the work very well, he's been very dedicated to it. He knows government very well from his work in the New York State Assembly. And he knows politics very well. He knows the operation of government.

Indeed, I consider Gerry Kassar a friend. And one day soon, although he doesn't believe it -- he's the chairman of the Kings County Conservative Party -- one day soon I will convince him that my views and his views are more closely aligned than he thinks.

So nevertheless, I congratulate Gerry Kassar. And maybe one day soon we'll see eye to eye on our Conservative Party views.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Thank you, Senator Gentile.

The above-named appointees are

confirmed.

Senator Fuschillo.

SENATOR FUSCHILLO: The Secretary will read.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: As Chairwoman of the Consumer Protection Board, May M. Chao, of New York City.

ACTING PRESIDENT McGEE: Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President. I rise enthusiastically to support this nomination.

But before I do, I want to compliment Senator Gentile on becoming a conservative on the floor of the Senate.

(Laughter.)

SENATOR FUSCHILLO: I welcome you to the right side of the aisle and wish you the best in your new political career.

But getting back to May Chao, the committee has met and unanimously endorsed her and moves the nomination.

She is a graduate of Wellesley

College and Harvard Business School. She brings vast private and charitable experiences to state government. I want to commend Governor Pataki on this fine nomination.

And I offer her and extend all the courtesies of the Senate and wish you the best of luck in your new position. Congratulations.

Thank you, Madam President.

ACTING PRESIDENT McGEE: On the confirmation of May Chao as Chairwoman of the Consumer Protection Board, all in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The confirmation is approved.

The chamber will take this opportunity to welcome May Chao here. And with May Chao today is her father and mother and her husband.

And we welcome you and we say best wishes to you on your appointment to the

Consumer Protection Board.

(Applause.)

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: As Commissioner of the Criminal Justice Services, Chauncey G. Parker, IV, of New York City.

ACTING PRESIDENT McGEE: Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, will you lay that aside temporarily while we're waiting for Senator Nozzolio to come into the chambers.

ACTING PRESIDENT McGEE: The confirmation is laid aside temporarily.

SENATOR FUSCHILLO: Thank you.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports:

Senate Print 5608B, by Senator LaValle, an act to amend the Education Law;

5611C, by Senator Stafford, an act to amend the Executive Law and the Estates, Powers and Trusts Law;

And Senate Print 5786, by the Senate Committee on Rules, an act making an appropriation.

Senator Wright, from the Committee on Energy and Telecommunications, reports:

Senate Print 4250, by Senator Wright, an act to amend the Public Service Law;

5639, by Senator Wright, an act to amend the Public Authorities Law;

And Senate Print 6079, by Senator Hannon, an act to amend the State Technology Law.

All bills ordered direct to third reading.

ACTING PRESIDENT McGEE: Without objection, all bills directed to third reading.

Senator Dollinger.

SENATOR DOLLINGER: Madam President, could I be recorded in the negative on Calendar 122, please.

ACTING PRESIDENT McGEE: Without objection.

SENATOR DOLLINGER: Thank you,

Madam President.

ACTING PRESIDENT McGEE: Senator Brown.

SENATOR BROWN: Yes, Madam President. May I be recorded in the negative on Calendar 125.

ACTING PRESIDENT McGEE: Without objection.

SENATOR BROWN: Thank you.

ACTING PRESIDENT McGEE: Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, may we return to the nomination of Mr. Parker, please.

ACTING PRESIDENT McGEE: The Secretary will read.

THE SECRETARY: As Commissioner of the Criminal Justice Services, Chauncey G. Parker, IV, of New York City.

ACTING PRESIDENT McGEE: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President.

Madam President and my colleagues, it's a great pleasure and privilege to rise in

support of Governor Pataki's nomination of Mr. Chauncey G. Parker to head the Division of Criminal Justice Services for the State of New York.

I think it's important to note that this is an extremely important appointment. That the balance of the crime rate in this state is dependent on how we fight crime. And there's no one who has provided more leadership in the fighting of crime, in managing and coordinating the efforts of our foot soldiers in that war on crime, than Governor Pataki.

Over the last eight years, we have seen a remarkable, dramatic decrease in the crime rate in New York State. The incidence of crime in New York, particularly of violent crime, have led the nation in their decline. We have seen a decline in the violent crime rate of over 43 percent -- a 51 percent decrease in the murder rate, a 52 percent decrease in the robbery rate, a 55 percent decrease in the rate of motor vehicle theft - all of these incidents the result of sound crime-fighting policies directed by our

Governor, in large part implemented by the Division of Criminal Justice Services in coordinating the important state agencies of our New York State Police, our Department of Corrections, our New York State Department of Parole.

The leader of this agency now, as proposed by Governor Pataki, is uniquely qualified to represent and lead, under the Governor's leadership and direction, and manage our war on crime.

That Mr. Parker, Chauncey G. Parker, has served most recently as Assistant United States Attorney for the Southern District of New York, has directed the high-intensity drug-trafficking fighting area, has fought very hard to ensure that the war on drugs is fought as we need to fight it.

He's worked at the federal level, served as assistant district attorney in New York County, the Manhattan District Attorney's office, in learning and leading prosecutorial efforts there.

That he brings with him a knowledge of the relationship of our crime-fighting

network, which includes our state police efforts, our local law enforcement efforts in coordinating with federal law enforcement efforts. He's served with distinction in these responsibilities of prosecution.

That he's a graduate of the Duke University School of Law and Rollins College, has received awards for distinguished service from the attorney general, as well as serving on a number of boards.

Chauncey G. Parker is uniquely qualified for this position, will become an excellent addition to this tremendous record of reducing violent crime in New York State, will continue to put New York on the path of leading the nation in reducing violent crime.

Madam President, I urge the nomination and ask my colleagues to support this excellent candidate.

ACTING PRESIDENT McGEE: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Madam President.

I'm pleased to join my colleague, the distinguished chairman of the Crime and

Crime Victims Committee, in seconding the nomination of Mr. Parker.

Chauncey Parker, IV, brings remarkable credentials and also an experience that I think would be very different to duplicate in any other individual. And for someone as young as Mr. Parker to be willing to undertake this tremendously challenging position at this time makes all of us feel grateful and full of anticipation about the great opportunity that lies ahead.

As Senator Nozzolio said, the coordinative role between corrections and parole is one of the most important in this state. In order for us to really ensure safety for the citizens of this state, we need to know that there is a seamless continuum from arrest through release. We want to make sure that those inmates that are capable of being rehabilitated can be rehabilitated, the ones that must be closely monitored are closely monitored, and the ones that need to be incarcerated for long periods of time with close scrutiny should be.

And along the way, we try to

provide an educational opportunity. Sometimes it is a social education, sometimes it is parenting education. The criminal justice systems today, the Department of Corrections, is such a multifaceted challenge that it's hard to imagine, for anybody outside the system, how much goes into it. And I commend Governor Pataki for his willingness to seek out and find such talented individuals in his cabinet appointments as Chauncey Parker, IV.

And I must say, Madam President, if you would indulge me for a moment, I was out of the chamber at the moment that the previous appointee was nominated and confirmed. And I have had the distinct pleasure of meeting May Chao, and she too is a wonderful addition to the Governor's cabinet.

She's gracious and charming. But make no mistake, she is experienced and knows how to be hard-hitting. And the consumers of this state will be well served, as will this administration, to have May Chao as the head of the Consumer Protection Board.

So I'm very pleased to second the nomination by Senator Nozzolio for Chauncey

Parker, and commend the Governor for his excellent choice of these two cabinet positions.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Thank you, Senator Hoffmann.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President.

I would like to join my colleagues in complimenting our Governor for selecting someone as the Commissioner of Criminal Justice Services who is in New York City. I note that Mr. Parker lives in the city, and therefore perhaps can be assured that he is going to have a unique perspective as it relates to inmates, especially those who are returning, many of whom will be returning to our city and some of whom may end up being his own neighbors.

We have a particular concern, obviously, for those of us who represent areas of the state where a large number of inmates come from. What happens to them when they return?

So I look forward to speaking with Mr. Parker, as I have -- we have spoken with the past commissioner of Criminal Justice Services, on just what the plans are, how we can work together in developing such plans, and how we can make sure that our criminal justice system represents certainly one where people are punished based on the crimes that they commit but also that where it is possible, as Senator Hoffmann has said -- and I certainly agree with her -- wherever it is possible, and whenever and however it is possible for us to be part of the rebuilding and reconstructing of people's lives so that they become contributing citizens, as we have experienced in so many instances people who have been sort of redesigned. And to a large extent, if the criminal justice system supports that, it's more likely to happen and we are more likely to benefit.

So, Madam President, I want to commend, again, the Governor for appointing someone from New York City and say to our new Commissioner of Criminal Justice Services, as we will vote just in a second, that we welcome

him aboard and we look forward to working with him, certainly those of us who reflect the people that he is going to be working with as our commissioner.

Thank you very much.

ACTING PRESIDENT McGEE: Thank you, Senator Montgomery.

Any other Senator wishing to speak on the confirmation?

On the question of the confirmation of Chauncey Parker as Commissioner of the Department of Criminal Justice Services, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The nomination is confirmed.

Mr. Parker, may I take this opportunity on behalf of the New York State Senate to welcome you to your new position and say you indeed do have a formidable task in front of you, but certainly from those words that were spoken on the floor today, you will

rise to that occasion. And we welcome you here.

(Applause.)

ACTING PRESIDENT McGEE: Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, is there any housekeeping at the desk?

ACTING PRESIDENT McGEE: No, there is no housekeeping at the desk.

SENATOR FUSCHILLO: Well, there being no further business to come before the Senate, I move we adjourn until Monday, March 4th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT McGEE: On motion of the Senate, the Senate is adjourned until March 4th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:15 p.m., the Senate adjourned.)