NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:11 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. I ask the members to find their places, staff to find their places.

I'd ask everybody in the chamber to rise and join with me in saying the Pledge of Allegiance to the Flag.

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

ACTING PRESIDENT KUHL: We're very, very pleased to have the Reverend Pat Medeiros, from the Greece Assembly of God Church, Rochester, New York, with us today to deliver the invocation.

REVEREND MEDEIROS: Gracious, merciful and loving God, we come before You with praise and thanksgiving in our hearts for Your many blessings and provisions.

Father, I thank You for the state senators, and I pray Your blessings upon them and upon their families. Lord, I pray that You would grant them your wisdom today. And I do pray that the business that's conducted would bring honor and glory to Your name, that

it would be pleasing and acceptable in Your sight.

We ask all this in Your holy and precious name. Amen.

ACTING PRESIDENT KUHL: Reading of the Journal.

THE SECRETARY: In Senate, Monday, June 9, the Senate met pursuant to adjournment. The Journal of Sunday, June 8, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT KUHL: Hearing no objection, the Journal stands approved as read.

Senator Robach, why do you rise?

SENATOR ROBACH: Yes, Mr. President. If I could just take a moment to thank Pastor Medeiros, on behalf of myself and all my colleagues, for coming and sharing the prayer.

But also, more importantly, in addition to saying the prayer for us today, I want to acknowledge all the great work that Pastor Medeiros does, not only with his congregation, but with the youth of our town.

His church is located in about the middle of the town of Greece, in which I reside.

In addition to all the good things they do through their clergy, he truly is an active member of the community and someone who opens up his whole facility and church to the usage of our entire community.

So I want to thank you for being my friend, for being here today to pray, but, more importantly, for being such a wonderful and great addition to our community in Monroe County and the town of Greece.

Thank you.

ACTING PRESIDENT KUHL: Thank you, Senator Robach.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

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

As Superintendent of Banks, Diana L. Taylor, of New York City.

ACTING PRESIDENT KUHL: Senator Johnson, on the nomination.

SENATOR JOHNSON: Please recognize Senator Bruno.

ACTING PRESIDENT KUHL: Senator Johnson yields to Senator Bruno.

Senator Bruno, on the nomination.

SENATOR BRUNO: Mr. President, I am happy to rise in support of the nomination of Diana Taylor to become the Superintendent of Banking. Governor Pataki used his great wisdom in choosing an individual that is as capable, as experienced as Diana Taylor.

Diana is here with her mom and dad, and they are as proud of her as all of us here in this chamber and all of New York State should be.

She founded an investment banking company. She was the chief financial officer for the Long Island Power Authority. She has been acting as deputy secretary to the Governor for financing and housing.

She has been committed in the public sector as a public servant. She has been in the private sector. She brings with

her all of this experience, all of this talent, and all of that knowledge that she has acquired, hands on, in serving a constituency here in New York State.

So serving on the Banking Board, serving as the Superintendent of Banks is critically important to everyone here in this state. It is one of the most important jobs that take place within the administration. Because as we all know, in our personal lives, in our business lives, in our professional lives, not much happens without banking.

So I'm proud to move her nomination for Superintendent of Banking.

ACTING PRESIDENT KUHL: Senator Paterson, on the nomination.

SENATOR PATERSON: Mr. President, I'm familiar with Diana Taylor from about fifteen years ago when she was involved with the establishment of an investment banking company. And at that time, she really opened the door and helped to open the door for a lot of minority investors to become part of that process, an area that has been one of the few that still is not fully populated by all

citizens.

Her assistance, her dedication in -- to that regard, and just her affable personality as a human being -- which does count in this process of nomination -- is something that makes me as proud as Senator Bruno is to second the nomination as well.

Now, I don't do as much banking as Senator Bruno, but I know the importance of banking in our society. And the industry is one of one that we're going to rely on and need in the next couple of years to ameliorate our fiscal crises.

And certainly in a decision-making capacity, I'm sure that Diana Taylor will stand among her predecessors who have served the state well.

ACTING PRESIDENT KUHL: Senator Farley, on the nomination.

SENATOR FARLEY: Thank you, Mr. President.

I'm pleased to rise to speak in support of Diana Taylor. New York being the financial center of the world, this is a very, very critical post and one of the most

important ones in the state of New York.

Ms. Taylor is truly a remarkable young lady. She's a graduate of Dartmouth, an M.B.A. from Columbia, and, as Senator Bruno said, has had an incredible financial background.

But, you know, I have been involved with banking almost the whole 27 years I've been here, and we've seen a lot of superintendents come through. But none is better qualified than Diana Taylor.

Truly, we're so fortunate to have somebody that is willing to serve in public service -- at a great financial loss, I must say. Because to have people to serve the State of New York is truly a credit to our Governor, Governor Pataki. And she of course served as a deputy secretary to the Governor.

And we're indeed fortunate, and I must commend the Governor on being able to retain such a remarkable person as our Superintendent of Banks.

I look forward to working with her, and I know that the Banking Department is very excited about having her as the new

superintendent. And I wish you well.

And, Mr. President, we're pleased to make the Senate so welcome of Diana Taylor as our new Superintendent of Banks.

ACTING PRESIDENT KUHL: Senator Malcolm Smith, on the nomination.

SENATOR MALCOLM SMITH: Yes, thank you very much, Mr. President.

As I told my colleagues in both the Banking Committee meeting and also in Finance today, we talked much about Diana Taylor and her financial scholarship, her academic background, in addition to the famous and mostly financial institutions that she has worked in. And they are probably six or seven of the best.

What I explained to my colleagues is that looking at Diana Taylor's resume, what you do not see is the character of Diana Taylor. And I will tell you, as someone who knows her personally, she is -- what I've told my colleagues -- a regular person.

When you have the opportunity to deal with her, whether it is on predatory lending matters or other banking matters, you

will find her to be not only honest and forthright, but she is someone that is very approachable, she's very sincere, and she follows through on things that you come to her with.

She is a person that I've gotten to know and work through a couple of different matters on, and all of which had a positive solution to it. And I would only say that this is a great day for the Senate, it's a great day for our state. The Governor should be commended on his selection.

And I explained this to her; as I normally do my biblical readings in the morning, the day that she first got her nomination in front of the Banking Committee -- as you know, Senator Farley, the word for that day was "good news."

Well, my comment to you today is this is good news for us in the nomination of Diana Taylor.

ACTING PRESIDENT KUHL: Senator Olga Mendez, on the nomination.

SENATOR MENDEZ: Mr. President, I rise with great pride to support the

nomination of Diana Taylor for the position of Superintendent of Banks.

And I really have to congratulate our Governor Pataki for choosing her. As a woman myself, I have great admiration for her. Her career, both in the public and private sector, has been outstanding. And the way that she has also to deal with people, I think that she is going to end up being the best superintendent of banks that we have ever had in New York State.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination?

SENATOR DIAZ: Mr. President.

ACTING PRESIDENT KUHL: Senator Diaz.

SENATOR DIAZ: As a Puerto Rican Democratic Senator here in Albany, I just don't want to be left out. Because Senator Mendez, representing the other side of the aisle, has indicated the support that the Hispanic community is giving to this nomination. So I want to make sure that on

this side, the Democratic side, the Hispanic community also are supporting strongly, are strongly in support of the nomination of Diana Taylor.

So it makes the other aisle, the Republican aisle, the Hispanic on that side and the Hispanic on this side, we are all together supporting the nomination of Diana Taylor. We are proud that the Governor has nominated such a wonderful person for that position.

ACTING PRESIDENT KUHL: Senator Krueger, on the nomination.

SENATOR LIZ KRUEGER: Thank you. I too would just like to rise briefly in support of Diana Taylor's nomination.

She has the financial expertise, as we know, the integrity. She's also a constituent in my district. So it gives me pleasure to be able to rise on her behalf.

And finally, as we know, there are not enough women in power in the world of finance or government. So I'm also very pleased that we have a new woman leader as the commissioner of banking in the state of

New York.

So congratulations, Diana Taylor.

Thank you.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the nomination?

Hearing none, the question is on the nomination of Diana Taylor to become the Superintendent of the New York State Banking Department. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is unanimously confirmed.

We're very, very happy to not only Diana Taylor in the audience with us, in the gallery to your left, but also her mother and father, Doug and Lois Taylor.

Congratulations, Superintendent.

(Standing ovation.)

ACTING PRESIDENT KUHL: The Secretary will continue to read.

THE SECRETARY: As Commissioner

of Alcoholism and Substance Abuse Services, William A. Gorman, of Albany.

ACTING PRESIDENT KUHL: Senator Johnson.

SENATOR JOHNSON: Please recognize Senator Bruno.

ACTING PRESIDENT KUHL: The chair recognizes Senator Bruno.

SENATOR BRUNO: Thank you, Senator Johnson, and Mr. President and colleagues.

Again, I am proud to rise in support of a highly qualified individual to serve in a very important agency here on behalf of the people of this state.

Dr. Bill Gorman has been in the medical profession for the last 30-plus years. Graduating as an R.N. from Roosevelt-Columbia School of Nursing in '72, he has gone on to serve in more capacities than I can relate, all relating to alcohol, substance abuse, HIV counseling.

He has worked at the V.A. Hospital here for the last 25 years, in charge of detox and dealing with people who are there and

throughout the whole region, always dealing with people who can't help themselves.

So Dr. Gorman, in taking on the responsibility of the Commissioner of OASAS, takes on a huge job. I think the caseload there is like 125,000 people a year, some of them the most disadvantaged and unfortunate. And it takes someone with a background, experience, the capacity of a Dr. Bill Gorman.

He is an ordained permanent deacon in the Catholic Church. He is a certified counselor in dealing with alcohol and substance abuse and comes really with a wealth of experience in a field that is so critical to the health and welfare of all of the people here in New York State.

So we commend the Governor for his judgment and his wisdom in finding a true professional who at this stage of his life will commit his numerous talents, experience, and his ability to helping people who truly need help, who are less fortunate than others.

So, Mr. President, I'm proud to move the nomination of Dr. Bill Gorman as the Commissioner of Alcoholism and Substance Abuse

Services.

ACTING PRESIDENT KUHL: Senator Breslin, on the nomination.

SENATOR BRESLIN: Thank you, Mr. President.

I can only echo Senator Bruno's remarks, which were so thorough and so professional, in relating to you and to the gallery the qualities of Bill Gorman, who's been a friend of mine for years and a constituent as well.

A person who has compassion, a person who really knows the alcoholism, drug addiction, the AIDS area as well as anyone in this state. Someone that has a couple of master's degrees, a couple of doctorate degrees, but at the same time, when you look at his resume, it's his hands-on ability to deal with the problem, a problem that gets more complex every day.

And I really firmly believe that Bill Gorman will be the one that will come up with those new and innovative programs to treat those areas of addiction that to this day have gone untreated.

So again, my hat's off to Bill Gorman and his family on this wonderful day.

Thank you very much, Mr. President.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination?

Hearing none, the question is on the nomination of William A. Gorman to become the Commissioner of Alcoholism and Substance Abuse Services. All those in favor of the nomination signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is unanimously confirmed.

We're very, very pleased to have Dr. Gorman in the gallery to your left, together with his wife, daughter, and son: Joanne, Dr. Tara, and Terence.

Congratulations, Commissioner.

(Applause.)

ACTING PRESIDENT KUHL: The Secretary will continue to read.

THE SECRETARY: As a member of the State Athletic Commission, Ronald Rabinowitz, of Brooklyn.

ACTING PRESIDENT KUHL: Senator Johnson.

SENATOR JOHNSON: Please recognize Senator Maziarz for the nomination.

ACTING PRESIDENT KUHL: The chair recognizes Senator Maziarz on the nomination.

SENATOR MAZIARZ: Thank you very much, Mr. President.

It's a great honor for me to move this nomination of Ronald Rabinowitz to become a member of the State Athletic Commission and eventually become the chairman of that commission.

Ron Rabinowitz, who's probably better known as Ron Scott Stevens, has been involved in the area of boxing promotion for several years, and in fact currently serves as the director of boxing for the State Athletic Commission. He's done such an excellent job during the short time that he's been there that Governor Pataki and other people recognize those talents and have designated

him as a member of the commission and to become the chairman of the State Athletic Commission.

His background as a matchmaker, as a promoter of boxing, we think will go a long way towards redeveloping the sport of boxing within the State of New York. And it's a pleasure and an honor for me, Mr. Chairman, to place his name in nomination.

Thank you.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination?

Senator Malcolm Smith, on the nomination.

SENATOR MALCOLM SMITH: Thank you very much, Mr. President. I rise to support the nomination.

And as I indicated in my committee meeting, I mentioned to Ron that I would hope that next year, for those of you who are familiar with the LCA dinner, that being that he's the head of the Athletic Commission, that we will get a better decision in the round between "No Smoking" Joe Bruno and David "Ali"

Paterson at the end of the LCA dinner.

Congratulations to Ron.

ACTING PRESIDENT KUHL: Any other member wishing to speak on the nomination?

Senator Bruno, on the nomination.

SENATOR BRUNO: Mr. President, I just want to follow the senators in congratulating our new Commissioner of the Athletic Commission.

Having witnessed some of the interest in this chamber in sports and especially in boxing, and especially, of late, with our Minority Leader really taking up the challenge, you have your work cut out for you.

That is an important area here in the state, and it's one that certainly can use your background, your judgment, and your good talents. So we congratulate you on assuming your new responsibilities.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Hoffmann, on the nomination.

SENATOR HOFFMANN: Thank you very much, Mr. President.

As all of you know in this chamber,

I am the proud mother of the International Boxing Hall of Fame headquartered in Canastota, New York. And it is my great pleasure every year, sometimes a couple of times a year, to welcome boxers and fight fans from all over the world to beautiful Canastota.

And one of the dignitaries who is regularly in Canastota is none other than our new confirmee. He is very, very well respected in the boxing community and by the good people of Canastota and I'm sure will serve admirably in his new capacity as athletic chairman.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the nomination?

Hearing none, the question is on the nomination of Ronald Rabinowitz to the State Athletic Commission. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The

nominee is unanimously confirmed.

We're very, very pleased to have Mr. Rabinowitz in the gallery to your left with us today, together with his wife, Diane Moshe.

Commissioner, congratulations.

(Applause.)

ACTING PRESIDENT KUHL: The Secretary will continue to read.

THE SECRETARY: As banking members of the State Banking Board, Clifford M. Miller, of Hurley, and Alan Shamoon, of Great Neck.

As a public member of the State Banking Board, James E. Higgins, of New York City.

As a member of the Fire Fighting and Code Enforcement Personnel Standards and Education Commission, Bruce E. Heberer, of Johnstown.

As commissioner of the State Insurance Fund, Jane A. Rees-Halbritter, of Rome.

As a member of the State Park, Recreation and Historic Preservation

Commission for the City of New York, Allison Whipple Rockefeller, of New York City.

As a member of the Medical Advisory Committee, Mary Kathryn Lashomb, of Owl's Head.

As a member of the Council on Human Blood and Transfusion Services, William Allen Fricke, M.D., of Rochester.

As a member of the Advisory Council on Agriculture, Leslie Cole, Jr., of Livonia.

As a member of the Advisory Council on Alcoholism and Substance Abuse Services, Barbara A. Peters, of Akron.

As a member of the Public Health Council, Edward Alan Stolzenberg, of Briarcliff Manor.

And as Rear Admiral, New York Naval Militia, James R. Edgar, of Schenectady.

ACTING PRESIDENT KUHL: The question is on the nominations. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominees are confirmed.

The Secretary will continue to read.

THE SECRETARY: Senator DeFrancisco, from the Committee on Judiciary, reports the following nominations.

As a judge of the Cortland County Court, Julie A. Campbell, of Preble.

ACTING PRESIDENT KUHL: Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President, I'm pleased to rise to move the nomination of Julie A. Campbell as a judge of the Cortland County Court, which is a three-hat court, as we've learned during the proceedings before the Judiciary Committee.

The committee found Ms. Campbell well qualified and unanimously voted for her nomination to appear on the floor today for confirmation.

I'd like to recognize Senator Seward to second the nomination.

ACTING PRESIDENT KUHL: The chair recognizes Senator Seward on the nomination.

SENATOR SEWARD: Thank you, Mr. President.

It's a great personal honor as well as an honor on behalf of my constituents in Cortland County and throughout my district to rise to second the confirmation of Julie A. Campbell to be judge of the Cortland County court.

And as Senator DeFrancisco has pointed out, in Cortland County, to be county judge means that you preside over the Criminal Court, the Family Court, as well as Surrogate's Court. And I think that the Governor has made an outstanding choice in Julie A. Campbell to fill this important role locally.

Julie is a product of Central New York, grew up in the rural area of Central New York, attended Colgate University and received her law degree from Western New England School of Law, and ultimately returned to Central New York and became a very distinguished and well-recognized member of the bar in Cortland and throughout Central New York.

In addition to her service as a member of the bar, her direct experience with the Family Court, Criminal Court, as well as the Surrogate's Court -- all experience that will serve her well in this new capacity -- she has been an outstanding member of our community, serving on a number of community service boards, making good things happen in our community. That's the legacy of Julie Campbell.

Her integrity is unquestioned. Her intelligence is obvious. And she is going to be a firm but fair county judge in Cortland County.

So I'm absolutely delighted to rise in support of her confirmation. It's a great day for the people of Cortland County to have someone of Julie's caliber assume the county court bench.

I'm delighted for her family. Her husband, Bruce Fein, is with her today; her sister, Beth Campbell; and her good friend, Joanne Michaels. I'm happy for them. I'm happy personally. And I'm very pleased on behalf of the people of Cortland County.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

Recently I had the opportunity to travel to Cortland County with Senator Seward where, at a dinner, I met with Julie Campbell and had the opportunity to have a most engaging conversation. And I feel well assured, as a member of the bar, that Julie has the temperament and the ability to serve as a outstanding county court judge.

So I congratulate you, Senator Seward, on I know proposing the nomination, and for the Governor for making this nomination. And I urge all my colleagues to be supportive.

Congratulations to you.

ACTING PRESIDENT MEIER: Senator Balboni.

SENATOR BALBONI: Mr. President, I too would like to rise from the other part of the state. But Julie Campbell's fame and qualifications have reached all over the

place.

And she is in fact a terrific example of somebody who's worked very hard all of her life. I got a chance to speak with her and her husband. They're really the salt of the earth. They believe in public service.

But one of the pieces that I think that perhaps people don't know is that Julie Campbell also brings something else to the bench. She was a former Dairy Princess of a neighboring county. So she not only brings intelligence, but she brings grace and poise to the job as well.

So I'm happy to second the nomination as well, Mr. President.

Thank you.

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

The question, then, is on the confirmation of Julie A. Campbell as a judge of the Cortland County Court. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those

opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is unanimously confirmed.

Judge Campbell is present with us today in the gallery. She's accompanied by her husband, Bruce Fein, her sister, Beth Campbell, and her friend Joanne Michaels.

Judge, we wish you very good luck with your very important duties.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: As a judge of the Court of Claims, John G. Ingram, of Brooklyn.

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President, I am again proud to rise to move the nomination of John G. Ingram as a judge of the Court of Claims.

He appeared before the Judiciary Committee today, he was deemed to be well qualified, and we unanimously voted to refer his nomination to the full floor for a vote.

I'd like to ask that Senator Golden be recognized to second the nomination.

ACTING PRESIDENT MEIER: Senator Golden.

SENATOR GOLDEN: Thank you, Senator DeFrancisco, Acting President.

It is an honor for me to rise here today for John G. Ingram to be nominated and to be confirmed today as a Court of Claims judge for Kings County. John is not only a good family man, but he's also a good friend.

And his father-in-law is probably smiling down on him today, as his wife Maureen sits up in the crowd there. He was in this Assembly in 1944 to 1945, I believe, and in 1954 Walter Cooke joined the New York State Senate and was a Senator here for many years until he went on to the Court of Claims later on in his tenure.

So he is shining down here upon you and your family today, John. But he's also shining down not only on those, but on what you've been able to accomplish, and your fairness and your ability to hear all sides of the issues and to make a determination without

bias, on your demeanor and your even temperament. You're courteous and patient to everybody, to the witnesses and to the jurors.

Your legal expertise and your experience, your ability to manage a courtroom and keep cases moving while giving each case its due consideration, your intelligence, and your ability to ask the right questions and to do the research required to make an informed decision.

You have a great, great background and a great bio here. In 1964, you were a graduate of SUNY Maritime. And he sits on my board as my chairperson on my nominations that go to the SUNY Maritime.

He served in the Naval Reserve from 1964 to 1995 and retired as a captain. In 1969, he was a graduate of St. John's Law School. He was an international trial lawyer, criminal trial experience, and experienced in virtually all areas of civil litigation and arbitration. Also an arbitrator.

He has worked on cases in 28 states, in Puerto Rico, and in the United States Virgin Islands.

He has served throughout this country and throughout this state. He has done a great, great service for our community, for our city, the City of New York, and for our state.

He's joined today by his wife, Maureen, and his daughter Mary Allison and his son-in-law Mark Muccigrosso, his grandsons Ryan and Justin Muccigrosso, his son Sean, his daughter-in-law Rita, his son Brian and daughter Maureen Patricia Ingram, assistant principals in New York City, and his brother David, a retired New York City Police Department inspector.

But having said all of that and brought out all of that bio, the best thing about this man is his civic involvement and his involvement in the community. He is, since 1959, a volunteer for the Breezy Point Volunteer Fire Department. That says volumes.

Thank you, sir. And we hope to move this nomination today. Congratulations.

ACTING PRESIDENT MEIER: Senator Malcolm Smith.

SENATOR MALCOLM SMITH: Yes,

thank you very much, Mr. President.

This is obviously a great day for me. Not only was I able to speak on Diana Taylor's nomination, but now I have the opportunity to speak on, as I like to call him now, Judge Ingram's nomination.

And clearly Senator Golden explained all the background, all of his background from a legal standpoint, and his family background. And I think he got to the most salient point at the end, and that was John's volunteerism with the Breezy Point Fire Department since 1959, where he also served as counsel to them on a volunteer basis since 1969.

I believe that he's going to make a tremendous judge. The Governor once again has chosen someone with tremendous integrity. And I just want to extend my congratulations to both him and his wife and his family.

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

The question is on the confirmation of John G. Ingram as a judge of the New York

State Court of Claims. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: Judge Ingram is unanimously confirmed.

Judge Ingram is standing there with us in the gallery today.

(Applause.)

ACTING PRESIDENT MEIER: Best wishes with your important duties, judge.

Senator Skelos.

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

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

The Secretary will continue to read.

THE SECRETARY: As a judge of the Court of Claims, Philip J. Patti, of

Pittsford.

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: I'm very proud, again, to rise to move the nomination of Judge Philip J. Patti. This is for the Court of Claims. It's a renomination.

Our committee found Judge Patti well qualified and unanimously voted to refer his nomination to the full Senate.

And I'd like to ask that Senator Kuhl be recognized to second the nomination.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Thank you, Mr. President.

I rise to second the nomination of Philip J. Patti to a position as justice of the Court of Claims.

It was just seven years ago when I stood before this chamber and extolled the virtues of this young man. I told you about his activities in the community, his activities in the courtroom, his activities in the church, and his completeness as an

individual who was about to step to the bench and serve in that capacity as a judge of the Court of Claims.

Today I rise just to point out to you that in the seven years since 1996, when Judge Patti first took office as a judge of the Court of Claims, in fact much has changed in this world. And we're in a time of corporate greed, we're in a time of newspaper reporters having questioned credentials and authenticity about their articles.

But I can tell you one thing. Not only does Judge Patti continue to extol the virtues of a member of the bench, not only does he continue to have the experience of community activities, the intelligence of a young man who in fact can carry out the law that we enact in this body, but also he has and has exhibited the integrity of the bench beyond and above what I think is called for in a position of that nature.

So it's with great pride and pleasure that I stand here to second the nomination of Philip J. Patti as a member of the bench on the Court of Claims.

And I'm proud to say, Philip, you've done an outstanding and wonderful job. You're doing a great job as a jurist. And certainly I'm proud to call you my friend.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the nomination?

The question, then, is on the confirmation of Philip J. Patti as a judge of the Court of Claims. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is unanimously confirmed.

Judge Patti is present with us today in the gallery. He is accompanied by his wife, Polly.

Judge, congratulations and good luck with your important duties.

(Applause.)

ACTING PRESIDENT MEIER: The

Secretary will continue to read.

THE SECRETARY: As a judge of the Supreme Court of the Ninth Judicial District, Christine A. Sproat, of LaGrangeville.

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: I'm very proud today, obviously, because I keep rising and saying I'm proud.

But before I move the nomination of the next nominee, I think it should be noted about all the nominees that these are very well qualified and outstanding individuals in each of their communities. And we've got to commend Governor Pataki for continually sending nominees as qualified as these individuals are.

And many of them are involved in busy law practices. I know it's a financial sacrifice for them to take these positions and serve the public.

And I just wanted to mention that with respect to each nominee as I now rise, proudly rise, to move the nomination of Christine A. Sproat as justice of the Supreme

Court of the Ninth Judicial District.

Judge Sproat, soon to be Judge Sproat, unanimously passed our committee, was found to be well qualified.

And I would now request that Senator Leibell be recognized to second the nomination.

ACTING PRESIDENT MEIER: Senator Leibell.

SENATOR LEIBELL: Thank you very much, Mr. President.

And as Senator DeFrancisco noted, we are very grateful to the Governor for the fine list of names that he has sent to us for the judiciary.

And it's always a pleasure to rise and to speak on behalf of someone who's here from your district. But I have to say that to rise now on behalf of this nomination for Christine Sproat is a particular pleasure for me.

I, like my colleague, Senator Saland, we have known Christine, we have known this family for over two decades, in my case. And we've known them to be one of the foremost

and one of the finest families in our Dutchess County area.

In terms of Christine, I also want to note that she brings to this position certain unique qualifications. She not only brings experience and expertise in the private practice of law, but she also has had a long and distinguished career serving as a principal attorney for judges who are serving currently on the bench.

I'm very pleased to have the chance to speak on behalf of Christine Sproat.

And I would also note that we have a number of people from the town of Beekman here also -- Jennie Calamari I see up there, and Evelyn Heady. And you can see our distinguished counsel, Kelly Ruane, from the town of Beekman also. So I think we've got just about the whole town here today.

But to Chris, her husband, Jim, and their children, I know this is a special day for you. And I'm deeply honored and pleased to have the opportunity to speak on your behalf today.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

I too, like my friend and colleague Senator Leibell, rise to once again commend the Governor for an extremely capable appointment. I think we have all agreed in this chamber that time and again the Governor has seen fit to appoint only the highest of qualified candidates to the bench.

Christine Sproat is a woman who has a broad resume, a resume of accomplishment, a resume which shows not only that she knows what it's like to practice as an attorney, but rich experience as a confidential law secretary to, in fact, the very judge that she will now be succeeding, Judge Judith Hillery.

Christine is an active member of our community. She has served in numerous capacities with various organizations dealing with issues from daycare to domestic violence. She has truly been exemplary in her commitment to both community and to the bar.

I'm sure she will be an exceptional

jurist, both by way of temperament, by way of background. She has truly been trained for this moment. And the people of the Ninth Judicial District will be extremely well served by her becoming a member of the bench.

I would like to extend my congratulations to her, to her husband, Jim, and family, and the numerous friends who have traveled here to join her on this wonderful occasion.

All the best, and God bless you.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the nomination?

The question, then, is on the confirmation of Christine A. Sproat as a justice of the Supreme Court for the Ninth Judicial District. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is unanimously confirmed.

Justice Sproat is with us today in the gallery. She's accompanied by her husband, James; her daughter, Ashley; son, William; her sister, Irene VanVoorhis; a niece, Jordan VanVoorhis; her cousin, Felecia Ritters; and friends Marsha Rosenfeld, Tom and Linda Bauer, Karen Avella, and Evelyn Heady.

Judge, you've brought a jury, for gosh sakes.

(Laughter.)

ACTING PRESIDENT MEIER: Congratulations, and best wishes with your duties.

(Applause.)

ACTING PRESIDENT MEIER: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. I have three privileged resolutions at the desk.

ACTING PRESIDENT MEIER: Could I interrupt you just a second, Senator. Let me -- it's my fault. Let me get to that order, and then we'll do that.

Reports of select committees.

Communications and reports from

state officers.

Motions and resolutions.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President, I have three privileged resolutions at the desk. I ask that they be read in their entirety.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Nozzolio, Legislative Resolution Number 2181, congratulating Steve Segerlin upon capturing his third consecutive New York State Diving Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play, and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy

living, imparting a desire for success, and developing a sense of fair play and competition; and

"WHEREAS, A Senior at Webster Schroeder High School, Steve Segerlin posted his scholastic career high, 573.65 points, to capture his third consecutive New York State Diving Championship at the Burt Flickinger Aquatic Center on the Erie County Community College campus; and

"WHEREAS, Diving last of 39 divers, Steve Segerlin grabbed the lead on his first diver and kept on adding to it from there; and

"WHEREAS, In addition to capturing the New York State Diving Championship, Steve Segerlin competed in swimming and helped his team to a seventh-place finish in the 200 freestyle relay; and

"WHEREAS, The athletic talent displayed by Steve Segerlin is due in great part to the efforts of Coach Carolyn Carlton, a skilled and inspirational tutor, respected for her ability to develop potential into excellence; and

"WHEREAS, Steve Segerlin was

loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, Coach Carolyn Carlton has done a superb job in guiding, molding and inspiring Steve Segerlin toward his goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coach Carolyn Carlton and Steve Segerlin have clearly made a contribution to the spirit of excellence which is a tradition at Webster Schroeder High School; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate Steve Segerlin upon the occasion of capturing his third consecutive New York State Diving Championship; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Steve Segerlin."

By Senator Nozzolio, Legislative Resolution Number 2182, congratulating Erich Mussgnug of Webster Thomas High School upon the occasion of capturing the Section V Class

A Alpine Skiing Championship.

"WHEREAS, Erich Mussgnug, a Sophomore at Webster Thomas High School, was the overall champion in the Section V Class A Alpine Skiing Championships at Bristol Mountain; and

"WHEREAS, Erich Mussgnug finished first in the giant slalom with a combined time of 76.13 seconds, after his first run of 37.81 seconds was the best of the day; he was third in the slalom with a combined time of 69.43 seconds; and

"WHEREAS, Erich Mussgnug began skiing at the age of three, and racing at around the age of six; he was 22nd in the New York State slalom last year, and eighth in the age 13-14 division in last year's United States Skiing Association Championships; and

"WHEREAS, The athletic talent displayed by Erich Mussgnug is due in great part of to the efforts of Coach Kirk Van Houten, a skilled and inspirational tutor, respected for his ability to develop potential into excellence; and

"WHEREAS, Erich Mussgnug's overall

record is outstanding. He was loyally and enthusiastically supported by family, fans, friends, and the community at large; and

"WHEREAS, Coach Kirk Van Houten has done a superb job in guiding, molding, and inspiring Erich Mussgnug toward his goals; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate Erich Mussgnug upon the occasion of capturing the Section V Class A Alpine Skiing Championship; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Erich Mussgnug."

By Senator Nozzolio, Legislative Resolution Number 2183, congratulating Erika Matheis upon the occasion of capturing the New York State Diving Championship.

"WHEREAS, A Junior at Webster Schroeder High School, Erika Matheis amassed 455.65 points on 11 dives to capture the New York State Diving Championship at the Burt Flickinger Aquatic Center on the Erie County Community College campus; and

"WHEREAS, Leading by 10 points entering her final three dives, Erika Matheis saved her best for last. She hit her three most difficult dives, to increase her lead to 18 points over Alyssa Helsig of Horseheads High School, and won the title; and

"WHEREAS, The athletic talent displayed by Erika Matheis is due in great part to the efforts of Coach Carolyn Carlton, a skilled and inspirational tutor, respected for her ability to develop potential into excellence; and

"WHEREAS, Erika Matheis was loyally and enthusiastically supported by family, fans, friends, and the community at large; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coach Carolyn Carlton and Erika Matheis have clearly made a contribution to the spirit of excellence which is a tradition at Webster Schroeder High School; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate Erika Matheis upon the occasion

of capturing the New York State Diving Championship; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Erika Matheis."

ACTING PRESIDENT MEIER: Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, on the resolutions.

My colleagues, today in this chamber we honored, through our confirmation process, many fine, outstanding New Yorkers nominated to serve in capacities at the highest levels of state government and the judiciary.

I think it's also fitting here today that we are also recognizing the accomplishments of three young outstanding New Yorkers who have skilled themselves in athletic competition and stand as individual state champions. That those honored today -- Erika, Steve, and Erich, represent the finest in New York State's future.

I'm so proud to represent the community of Webster and have, in that

community, an outstanding sports program. But the program is only as good as the young people produced through that program. And I daresay that those in the diving and skiing programs in Webster are second to none in this state.

That Erich Mussgnug, Erika Matheis, Steve Segerlin are state champions. They are here today because of hard work and dedication, but also because of great coaching.

And I'm very pleased that in the gallery with us Kirk Van Houten, who is Erich's ski coach, and Carolyn Carlton, who is Erika's and Steve's diving coach, are here to share in the accolades. Two wonderful, outstanding young leaders of young people in Coach Van Houten and Coach Carlton.

We thank you for your participation in the success of these fine young people.

Also with us is Nancy Matheis, Erika's mom, and Erich's mom and dad, Jim and Patricia. And we're so pleased that you could be here today.

Steve is going on, as the senior,

the upperclassman, of these three state champions, already involved in international diving competitions. We certainly will be rooting him on, because he certainly has the potential to be a wonderful athlete in NCAA competition as well as, we hope, Olympic competition someday.

Erika and Erich are still underclassmen, but they are both -- all three -- outstanding athletes, outstanding students, and outstanding young citizens.

Thank you, Mr. President and my colleagues, for recognizing our young people, our young people who are excelling in athletic competition and in their communities. The more we recognize their accomplishments. The more successful young people we will have in this great state.

Congratulations to the fine young people, state champions from Webster.

ACTING PRESIDENT MEIER: Senator Rath.

SENATOR RATH: Mr. President, I have a privileged resolution at the desk.

ACTING PRESIDENT MEIER: We have

to take care of this one first.

Any other Senator wish to be heard on the pending resolutions?

SENATOR PADAVAN: Can we deal with the resolutions before us, please.

ACTING PRESIDENT MEIER: I'm trying to do that, Senator. Thanks.

The question is on the last three resolutions. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolutions are unanimously adopted.

Congratulations to Steve, Erich, and Erika, who are seated right over here.

(Applause.)

ACTING PRESIDENT MEIER: Senator Padavan.

SENATOR PADAVAN: You're doing a great job, Mr. President.

ACTING PRESIDENT MEIER: Thank you. You are too, and I love you.

SENATOR PADAVAN: Can we now adopt the Resolution Calendar, with the exception of Resolutions 2001 and 2125.

ACTING PRESIDENT MEIER: All those in favor of adopting the Resolution Calendar, with the exception of Resolutions 2001 and 2125, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The Resolution Calendar, with exceptions, is adopted.

Senator Padavan.

SENATOR PADAVAN: Now, Resolution 2001, sponsored by Senator Rath.

ACTING PRESIDENT MEIER: The Secretary will read Resolution 2001 in its entirety.

THE SECRETARY: By Senator Rath, Legislative Resolution Number 2001, honoring the memory of the Late Lieutenant Colonel Matt L. Urban, America's most highly decorated combat veteran.

"WHEREAS, members of the Armed Services from the State of New York who have served so valiantly and honorably in wars in which this country's freedom was at stake, as well as in the preservation of peace in peacetime, deserve a special salute from this Legislative Body; and

"WHEREAS, This Legislative Body is justly proud to honor the memory of the late Lieutenant Colonel Matt L. Urban, America's most highly decorated combat veteran; and

"WHEREAS, Born Matt L. Urbanowicz on August 25, 1919, in Buffalo, New York, Matt Urban graduated from East High School. He later enrolled at Cornell University, where he graduated in 1941 with a major in History & Government, and a minor in Community Recreation; and

"WHEREAS, After graduation, Matt Urban was commissioned a Second Lieutenant through completion of the Cornell ROTC program. He was summoned to active duty with the United States Army in July of 1941; and

"WHEREAS, Matt Urban earned 29 combat medals, including the Medal of Honor

and two Silver Stars; and

"WHEREAS, As a young captain with the 9th Infantry Division's 60th Regiment, Matt Urban was wounded seven times in Tunisia, Sicily, France and Belgium, but kept returning to fight. His invincibility led German foes to nickname him 'the Gray Ghost'; and

"WHEREAS, Matt Uran's bravest exploit occurred following the D-Day invasion of Europe. He was shot in the leg a few days after landing on Omaha Beach, and he managed to rejoin his pinned-down company near the Normandy village of St. Lo; and

"WHEREAS, Matt Urban led an attack and climbed atop a tank to man a machine gun in the face of heavy enemy fire. He was praised for saving 'countless American lives' and helping the Allies break out of the St. Lo pocket; and

"WHEREAS, Matt Urban's leadership under fire eventually earned him the Medal of Honor, which was bestowed by President Jimmy Carter in Washington, D.C., in 1980. His other medals, besides the Silver Stars, include seven Purple Hearts, two Bronze Stars,

and France's Croix de Guerre; and

"WHEREAS, Upon his return from World War II, Matt Urban reminisced about growing up on the East Side, where he lettered in three sports at East High School and ran in the annual Broadway Market races with his brothers, Art and Stan; and

"WHEREAS, Matt Urban also reminisced about his college years at Cornell, where he studied government and physical education. At that time, he was a phenomenal boxer; and

"WHEREAS, Matt Urban died at age 75 in 1995, of complications from one of his war injuries. He was city recreation director of Holland, Michigan, where he had settled after the war. Before taking the director's post in Holland, he was recreation director at Port Huron, Michigan, and director of the Monroe, Michigan, Community Center; and

"WHEREAS, After retiring in 1990, Matt Urban detailed his experiences in a book, 'The Matt Urban Story: The Hero We Nearly Forgot'; and

"WHEREAS, According to the Total

Army Personnel Command in Alexandria, Virginia, Matt Urban's 29 medals equal the number earned by Lieutenant Audie Murphy, who held the title of "most decorated" for more than 30 years before Urban's belated Medal of Honor arrived. However, Arlington National Cemetery, where both heroes are buried, credits Murphy with 28 medals, which supports the claim that Matt Urban trumped Murphy when he received the Medal of Honor, his 29th combat decoration; and

"WHEREAS, there are efforts underway to have a monument erected in Matt Urban's honor at the Edward A. Rath Building in downtown Buffalo; and

"WHEREAS, Those individuals who have given so selflessly of their skills and dedication are worthy and due full recognition for their valued contributions on behalf of their country and its ideals, upholding the patriotic character and principled ideals of organizations in service to their fellow man; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor the

memory of the late Lieutenant Colonel Matt Urban, America's most highly decorated combat veteran; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Babbidean Urban Huber, Ted Conway, and Jennifer Urban Hurford."

ACTING PRESIDENT MEIER: Senator Rath.

SENATOR RATH: Thank you, Mr. President.

And thank you for the very wonderful reading of this resolution commemorating the life of Lieutenant Colonel Matt Urban, one of Western New York's finest.

And as you saw, as you heard the memorial resolution written, it's being done today for several reasons. The combat veterans in Western New York are mounting an effort to have a suitable monument erected in honor of Lieutenant Colonel Urban, because he is our nation's most decorated combat war hero.

Today we have in the gallery his niece, Babbidean Urban Huber, to receive the

honors and take this back to Western New York, along with our commendation, to help these noble combat veterans succeed in their effort to have this monument raised in the memory of Lieutenant Urban.

And I think when you hear of his exploits and seven Purple Hearts and climbing atop a tank and fighting his way out of the Lo pocket and saving many, many lives, I think we take a look at courage.

And courage has been counted by many of our great American writers, but I think Mark Twain maybe said it best: "Courage is resistance to fear, mastery of fear, not the absence of fear."

And so I'm sure a young Matt Urban was very frightened when he climbed on top of that tank and shot his way out of there and took a lot of his men with him to safety. But he didn't let fear back him down. And after, as I said, seven Purple Hearts, now the most decorated combat hero in America's history.

I thank you all for your support of this resolution and am glad that Babbidean Urban Huber is here with us today.

Thank you.

ACTING PRESIDENT MEIER: Senator Volker.

I'm sorry, Senator Padavan.

SENATOR PADAVAN: I was going to suggest that with Senator Rath's concurrence, we open up this resolution to everyone. Those who wish not to be will notify the desk.

ACTING PRESIDENT MEIER: All right. According to the usual procedure, then, if you do not wish to be on the resolution, notify the desk.

Senator Volker.

SENATOR VOLKER: Mr. President, I had the honor and the pleasure of meeting Matt Urban and participating in several memorial services for deceased veterans with him.

And what had happened is that the Polish community in Buffalo realized that he had actually been -- I don't want to say that he was denigrated, but there was really no realization of the enormous accomplishments that Matt Urban had accomplished in the Second World War. And as Senator Rath said, there was an attempt to bring out all the exploits

of this great man.

I met him, as I said, on a number of occasions. He was quite a character, a very outgoing fellow, but actually very humble. And he was the kind of fellow I think that typifies the American heroes, in that he really didn't promote himself at all, but it was others that pointed out that this was a man of immense courage and who was a part of America that sometimes too many of us forget. I am proud to be a -- have a small part of this.

And as I said, in fact we had him in Depew about probably ten years ago, maybe a little longer, after he came back from Michigan. And he was a fine gentleman and a fascinating speaker, by the way. He talked very plainly to the people there. And I think some of the people didn't completely understand that what he was telling them is you either support America or you don't. And he was one of the people that very decidedly supported America.

ACTING PRESIDENT MEIER: Senator Balboni.

SENATOR BALBONI: Mr. President, I rise as the chairman of the Veterans Committee. I wish that this chamber were packed to the gills with individuals. And I wish that people all around this state could flick on their television sets and pay attention to this one resolution.

If you read the words of the resolution, it's unbelievable. America's most highly decorated combat veteran, 29 combat medals and the Medal of Honor and two Silver Stars. This is the most outstanding military accomplishment that we've ever seen.

Many people wonder what the definition of patriotism, courage, honor, valor is. It is this gentleman. In an age where we worship people who can hit a ball over a fence, who make a movie or who score a touchdown, this is the one where we put our priorities in the right place.

This is a great resolution. Thank you, Senator Rath.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the resolution?

Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

You know, two weeks ago we celebrated the real Memorial Day on May 30th. And we unveiled nationwide the Purple Heart stamp. During that ceremony, we had a gentleman who had six Purple Hearts. It was said it was probably the most of any individual. This man said no, there is an Army officer who has seven. He didn't know where.

Up until that, we had 30 years of Audie Murphy from Texas, from the Third Infantry Division, 15th Infantry Regiment, was considered the most highly decorated member of the Armed Forces in the United States.

I had the privilege of serving this country from 1944 to 1967. I never met this gentleman. I met a lot of people who thought -- who wanted to be something like Matt was.

But, you know, in this time and day in our country when we pick up the paper every night, turn on the TV every morning, and we

hear about a young soldier, 19, 20 years old, a volunteer being killed, it has to remind us of this brave young man who actually died not of natural causes, but he died of injuries, war wounds that he had received many years ago.

And what a remarkable thing that we can show. And I hope every one of us will rally to Mary Lou Rath and the others out in the western part of New York who want to do something to memorialize him.

Because what Matt stands for is what we Americans should be, and most of us are -- greatly appreciative of the fact that we have men and women of our country willing to go and take that extra step in order that those that will follow us will be in a life and a quality of it that they can look up and say, thank God for the American men and women who serve our country so bravely and at times at the sacrifice of their own life.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is unanimously adopted.

Colonel Urban's niece, Babbidean Huber, is with us in the left gallery.

(Applause.)

ACTING PRESIDENT MEIER: Senator Padavan.

SENATOR PADAVAN: And now Resolution 2125, by Senator Malcolm Smith. Will you please read it in its entirety.

ACTING PRESIDENT MEIER: The Secretary will read Resolution 2125 in its entirety.

THE SECRETARY: By Senator Malcolm Smith, Legislative Resolution Number 2125, mourning the death of the director of the New York City Mayor's Office of Veterans Affairs, Michael Handy.

"WHEREAS, It is the sense of this Legislative Body to recognize and pay tribute to an individual of distinguished purpose and true commitment who dedicated his life and

career to public services; and

"WHEREAS, It is with feelings of great sorrow and deepest regret that this Legislative Body records the passing of Michael Handy, esteemed director of the New York City Mayor's Office of Veterans Affairs, on May 31, 2003, noting the significance of the loss of a public servant of such selfless dedication and caring concern, whose purposeful life was unerringly directed to serving New York City and the needs of its residents; and

"WHEREAS, Michael Handy was born in Brooklyn, New York, and raised in St. Alban's, Queens. He was a graduate of York College, CUNY, and received a master's degree in the Administration of Justice from the American University in Washington, D.C.; and

"WHEREAS, Michael Handy joined the United States Air Force in 1968 and served in Fairbanks, Alaska, and Tucson, Arizona, before receiving orders for Vietnam. He served as a Quick Reaction Team Leader, E-5, and a 50-Caliber Machine Gun Instructor while at Phu Cat Air Force Base in the Central Highlands;

and

"WHEREAS, After arriving home from Vietnam, Michael Handy worked in the New York City Office of Budget and Management and the Office of Housing Preservation and Development; and

"WHEREAS, in 1993, Michael Handy was appointed to the New York City Mayor's Office of Veterans Affairs and held this potion in four mayoral administrations; and

"WHEREAS, In addition, Michael Handy was appointed to the Operation Welcome Home Commission, which organized the then-largest ticker tape parade in New York City history in 1991; the Mayor's representative for the 'Nation's Parade,' New York City's tribute to the 50th Anniversary of World War II in 1995; and the Mayor's representative for 10 of the 16 Fleet Week celebrations in New York City; and

"WHEREAS, Michael Handy had been active in veterans affairs for nearly thirty years, acquiring more than 50 honors and awards from the city, state, and federal levels, including the Ellis Island Medal of

Freedom Award on May 17, 2003; and

"WHEREAS, Michael Handy was a member of the American Legion, the Catholic War Veterans, the Navy League, the Veterans Corps of Artillery, and an honorary member of the New York Society of Military and Naval Officers. He was a founding member of the National Black Veterans Braintrust of the Congressional Black Caucus, a member of the board of directors of the Black Veterans for Social Justice, and the former chairman of the Veterans Committee of the DSS Chapter, NAACP; and

"WHEREAS, Michael Handy was sincerely loved and greatly respected by all those in the surrounding areas with whom he worked, as well as by his own community and the citizenry of New York City. He served the public with dignity, dedication, and incisive wisdom; and

"WHEREAS, Michael Handy will be remembered for his honesty and integrity, for his strong belief in his family and New York City, and for his determination and generosity; and

"WHEREAS, Michael Handy, throughout his career and life, served the people of the City of New York with intelligence and caring dedication, continuously striving to effectively fulfill the duties of his position; and

"WHEREAS, Michael Handy is survived by his wife, Edna; four daughters, Jacqueline, Jannah, Kenya, and Dawn; three grandchildren, Shamar, Kayla and Maya; sisters, Veronica, Miriam, and Catherine; brothers, Joseph and Paul, and a host of nieces and nephews; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the death of the director of the New York City Mayor's Office of Veterans Affairs, Michael Handy, and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Michael Handy."

ACTING PRESIDENT MEIER: Senator Malcolm Smith.

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

And let me thank also everyone who is in this chamber and those who are listening a distance from it as we listened to this resolution on behalf of Michael Handy.

It was a very great day for me in that I was able to speak to celebrate the nomination of a good friend, Diana Taylor, a personal friend, and that of Judge Ingram. And I actually come to speak on behalf of the celebration of the life of Mike Handy.

While some may mourn his passing, this actually is a celebration of his life, his commitment to so many. The resolution clearly speaks to all that he has done on behalf of those who have least or the least amount of people representing them.

And I will tell you, over the years that I've known Mike Handy, from St. Catherine of Sienna Elementary School -- I lived around the corner from him; his family still lives around the corner from me -- he was always very, very dedicated. Up until recently, when we had the opportunity to welcome home one of the first of our war heroes from the Iraqi conflict, Ted Bittle, Mike Handy was available

to us, provided all the assistance necessary so that Ted Bittle received all the benefits that a veteran should receive.

And it is just so important that we here today celebrate his life. I do appreciate us reading the entire resolution. And we should also note that his wife, Judge Edna Handy, is someone who is very committed to her public service. And I'm sure if she was here today, she would marvel at the receipt that she is getting from everyone here in terms of his service.

And we should all know that he is someone that will be sorely missed. His shoes cannot be filled. He clearly was one who advocated on behalf of all of our veterans, served them very well, and clearly had some shoes that as much as we will try to fill, I doubt very seriously we will.

And this is a great day for his family, knowing that on this day we paused in our deliberations to spend time to speak to his significant givings to the lives of many veterans.

Thank you very much.

ACTING PRESIDENT MEIER: Senator Ada Smith.

SENATOR ADA SMITH: Thank you, Mr. President.

I would just like to add that this descendant of W.C. Handy, who made his contribution to the American way, would be proud of all that Michael did for the people of the City of New York, and especially veterans.

But Michael didn't just stop at veterans. He was there available to us for any information that he had, he gave to us to help our constituents. He often came into our offices late at night and worked with us to put together programs that benefited our constituents.

He will be missed, and he will never be forgotten.

ACTING PRESIDENT MEIER: Senator Maltese.

SENATOR MALTESE: Following up on what my good colleagues Senator Ada Smith and Senator Malcolm Smith have said, I first met Michael Handy when I was chairman of Veterans

some years ago, and was immediately impressed with how he was so dedicated to the cause of all veterans. It seemed that he was everywhere, whether it was Manhattan or Nassau or any of the counties.

Over the years, I've attended a great many veterans ceremonies, including some that I hosted together with my good colleague Senator Malcolm Smith. Mike Handy made sure that he attended every one.

Mike Handy was also very, very active with the Intrepid, working closely with Zach Fisher. And there was, I don't think, nary an event that he was not there.

I remember him, always a slim, dignified figure, wearing perhaps only some of the many awards and decorations that he was given. It wasn't until I heard how many awards he had received in this resolution that I realized just how many he had received.

He had many important military decorations that a veteran is entitled to wear around their neck, and he would sometimes alternate them, always, as I said, in a very dignified fashion.

He was always friendly. He went out of his way. I remember many times standing next to him at so many of the funerals that we had attended, that he had attended on behalf of the three mayors he had served in the City of New York.

He was a very, very proud veteran. He was, as you've heard, a community leader, a father. I'm surprised to hear he was a grandfather, because he looked so very young.

It was a great shock when we heard that he had suddenly passed away. I had seen him only a week before at a veterans ceremony.

He will be very much missed -- a truly great American, an American patriot, a great veteran, and somebody who his like will not be seen again soon.

ACTING PRESIDENT MEIER: Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President.

I too would like too add my words of celebration for Mike Handy. As former chairman of the Military Affairs Committee in this Senate, I had also the opportunity to

work with him and interface with him and had the experience of meeting him, a very warm man, a man who traveled all around this state on behalf of veterans.

While I didn't know him as well as Senator Smith -- either one of the Senator Smiths -- or Senator Maltese, I did have the opportunity to meet with him and work with him, especially in the city confines. And he surely will be missed. He was a wonderful man, a wonderful person, and a wonderful leader.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

I also rise in remembrance of Michael Handy, who I know from an earlier time than I think many of the people who spoke of his incredible work on behalf of veterans.

In the 1980s, Michael worked with the city's Human Resources Administration to establish the Emergency Food Assistance Program for low-income people throughout the City of New York. And at that time, I had

just started the New York City Food Bank. And we worked directly together, Michael and I, to expand the city's response to poor New Yorkers throughout pantries and soup kitchens at churches and synagogues and mosques throughout the five boroughs. And then he moved on to his work with veterans affairs.

And so I can speak of also Michael's dedication and commitment to the people of New York through his work in social services before he went on in his later career. So I too stand in remembrance of the great work of Michael Handy.

Thank you very much.

ACTING PRESIDENT MEIER: All those in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Padavan.

SENATOR PADAVAN: Mr. President,

also if we could open this for cosponsorship, I'm sure that everyone would agree.

ACTING PRESIDENT MEIER: The resolution is opened for sponsorship according to the usual procedures. Notify the desk if you wish not to be on it.

Senator Padavan.

SENATOR PADAVAN: Are there any motions before the house?

ACTING PRESIDENT MEIER: Senator McGee.

SENATOR McGEE: Mr. President, on behalf of myself, on page number 49, I offer the following amendments to Calendar Number 1098, Senate Print Number 2891, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the bill will retain its place on the order of third reading.

SENATOR McGEE: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator McGee.

SENATOR McGEE: Mr. President, amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator Hannon, page number 7, Calendar Number 143, Senate Print 1089A;

Sponsored by Senator Nozzolio, page number 9, Calendar Number 193, Senate Print 438;

Sponsored by Senator Robach, page 22, Calendar Number 550, Senate Print Number 4101;

Sponsored by Senator Kuhl, page number 27, Calendar Number 680, Print Number 4312;

Sponsored by Senator Trunzo, page number 48, Calendar Number 1051, Print Number 2526;

Sponsored by Senator Bonacic, page number 46, Calendar Number 996, Print Number 4421;

Sponsored by Senator Volker, page number 18, Calendar Number 458, Senate Print Number 3479;

Sponsored by Senator LaValle, page

number 48, Calendar Number 1059, Senate Print Number 2062B;

Sponsored by myself, Senator McGee, page number 15, Calendar Number 386, Senate Print Number 2776;

Sponsored by Senator Maziarz, page number 6, Calendar Number 120, Senate Print Number 729.

Mr. President, I now move that these bills retain their place on the order of Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the bills will retain their place on the order of third reading.

Senator Padavan.

SENATOR PADAVAN: Can we do the substitutions, Mr. President.

ACTING PRESIDENT MEIER: The Secretary will read the substitutions.

THE SECRETARY: On page 10, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 7332 and substitute it for the identical Senate Bill Number 1695, Third Reading Calendar 249.

On page 11, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill Number 4205 and substitute it for the identical Senate Bill Number 1832, Third Reading Calendar 250.

On page 14, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 8017 and substitute it for the identical Senate Bill Number 1227, Third Reading Calendar 357.

On page 18, Senator Hoffmann moves to discharge, from the Committee on Rules, Assembly Bill Number 8362 and substitute it for the identical Senate Bill Number 3821, Third Reading Calendar 464.

On page 18, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 7019 and substitute it for the identical Senate Bill Number 3118, Third Reading Calendar 482.

On page 20, Senator Velella moves to discharge, from the Committee on Rules, Assembly Bill Number 8224B and substitute it for the identical Senate Bill Number 4380A, Third Reading Calendar 525.

On page 26, Senator Volker moves to discharge, from the Committee on Rules, Assembly Bill Number 8098A and substitute it for the identical Senate Bill Number 4307A, Third Reading Calendar 679.

On page 29, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 5102 and substitute it for the identical Senate Bill Number 3914, Third Reading Calendar 704.

On page 31, Senator Seward moves to discharge, from the Committee on Rules, Assembly Bill Number 6851A and substitute it for the identical Senate Bill Number 2840A, Third Reading Calendar 740.

On page 31, Senator Kuhl moves to discharge, from the Committee on Rules, Assembly Bill Number 3806B and substitute it for the identical Senate Bill Number 1687B, Third Reading Calendar 751.

On page 34, Senator Nozzolio moves to discharge, from the Committee on Rules, Assembly Bill Number 8485A and substitute it for the identical Senate Bill Number 1932A, Third Reading Calendar 799.

On page 34, Senator Robach moves to discharge, from the Committee on Rules, Assembly Bill Number 8058 and substitute it for the identical Senate Bill Number 3902, Third Reading Calendar 802.

On page 44, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 1937 and substitute it for the identical Senate Bill Number 1144, Third Reading Calendar 951.

On page 45, Senator Maltese moves to discharge, from the Committee on Rules, Assembly Bill Number 7918 and substitute it for the identical Senate Bill Number 4193, Third Reading Calendar 962.

On page 49, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill Number 1466B and substitute it for the identical Senate Bill Number 257A, Third Reading Calendar 1087.

On page 51, Senator Nozzolio moves to discharge, from the Committee on Rules, Assembly Bill Number 851A and substitute it for the identical Senate Bill Number 5202A, Third Reading Calendar 1125.

On page 52, Senator Kuhl moves to discharge, from the Committee on Rules, Assembly Bill Number 8438 and substitute it for the identical Senate Bill Number 4721A, Third Reading Calendar 1139.

And on page 53, Senator DeFrancisco moves to discharge, from the Committee on Judiciary, Assembly Bill Number 7494 and substitute it for the identical Senate Bill Number 5004, Third Reading Calendar 1147.

ACTING PRESIDENT MEIER: Substitutions ordered.

Senator Padavan.

SENATOR PADAVAN: Could we return to the order of reports of standing committees and read the Rules report.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 2372A, by Senator Flanagan, an act to amend the Public Authorities Law, restored.

Reported: Senate Print 922, by Senator LaValle, an act to amend the Criminal Procedure Law;

1467, by Senator Kuhl, an act to amend the Alcoholic Beverage Control Law;

1776, by Senator Maltese, an act authorizing;

2046, by Senator Rath, an act to amend Chapter 201 of the Laws of 2001;

2945, by Senator Volker, an act to amend the Criminal Procedure Law;

3278, by Senator Larkin, an act to authorize;

3326B, by Senator Brown, an act to amend the Highway Law;

3353, by Senator Mendez, an act in relation to authorizing;

3414A, by Senator Kuhl, an act to amend the Correction Law;

3782A, by Senator Johnson, an act to amend the Vehicle and Traffic Law;

3874, by Senator Spano, an act to amend Chapter 674 of the Laws of 1993;

3986, by Senator Bonacic, an act authorizing the Town of Ulster;

4021, by Senator Balboni, an act to amend the Tax Law;

4023A, by Senator Saland, an act to amend the Education Law;

4034, by Senator Oppenheimer, an act authorizing;

4468, by Senator Johnson, an act to amend the Vehicle and Traffic Law;

4531A, by Senator Saland, an act to amend the General Business Law;

4759A, by Senator Bonacic, an act to amend the Social Services Law;

4907, by Senator Kuhl, an act to amend the Highway Law;

4928, by Senator Marcellino, an act to amend the Environmental Conservation Law;

4976, by Senator Flanagan, an act authorizing;

4977, by Senator Seward, an act to amend the Real Property Tax Law;

4982, by Senator Little, an act to amend the General Municipal Law;

4995, by Senator Marcellino, an act to amend Chapter 203 of the Laws of 1999;

5056, by Senator Farley, an act to

amend the Education Law;

5060, by Senator Farley, an act to amend the Education Law;

5079, by Senator Spano, an act to amend the Tax Law;

5094A, by Senator DeFrancisco, an act to adjust;

5097, by Senator Nozzolio, an act authorizing;

5117, by Senator Padavan, an act to amend the Vehicle and Traffic Law;

5147, by Senator Morahan, an act to amend the Not-for-Profit Corporation Law;

5157, by Senator Libous, an act to amend the Town Law and the Public Officers Law;

5278, by Senator Spano, an act to amend the Penal Law;

5280, by Senator Balboni, an act to amend the Penal Law;

5327, by Senator Spano, an act to amend the Alcoholic Beverage Control Law;

And Senate Print 5334, by the Senate Committee on Rules, an act authorizing the Board of Cooperative Educational Services.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Senator Padavan.

SENATOR PADAVAN: Move to accept the Rules report.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The report of the Rules Committee is accepted.

Senator Padavan.

SENATOR PADAVAN: We have one more motion, Mr. President.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Bill Number 4650.

ACTING PRESIDENT MEIER: So ordered.

SENATOR MONTGOMERY: On behalf of Senator Lachman.

Thank you.

ACTING PRESIDENT MEIER: Senator Padavan.

SENATOR PADAVAN: Now, Mr. President, the noncontroversial calendar.

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

THE SECRETARY: Calendar Number 310, by Senator Saland, Senate Print 1916, an act to amend the Domestic Relations Law and the Family Court Act, in relation to changing.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR MONTGOMERY: Lay that aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 336, by Senator LaValle --

SENATOR PADAVAN: Lay it aside

for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 548, by Senator Golden, Senate Print 3967, an act to amend the General Municipal Law, in relation to special accidental death benefits.

ACTING PRESIDENT MEIER: There is a home-rule message at the desk.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 553, by Senator Padavan, Senate Print 4258, an act to amend the Retirement and Social Security Law, in relation to the employment of retired New York City Police and Fire Department personnel.

ACTING PRESIDENT MEIER: There is

a home-rule message at the desk.

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, 60. Nays, 1. Senator Wright recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 609, by Senator Rath, Senate Print 3569, an act to amend the Family Court Act, in relation to motions to dispense.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 624, by Senator Spano, Senate Print 1524, an act to amend the Public Health Law, in relation to exempting dentists.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 691, by Senator Velella, Senate Print 4123, an act to amend the Administrative Code of the City of New York, in relation to including.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 713, by Member of the Assembly Gottfried, Assembly Print Number 7151, an act to amend Chapter 693 of the Laws of 1996, amending the Social Services 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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 735, by Senator Farley, Senate Print 4575, an act to amend the Banking Law, in relation to the powers of banks to engage.

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, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 781, by Senator Spano, Senate Print 1693, an act to amend the Insurance Law, in relation to requiring certain health insurance policies.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 781 are Senators Meier, Seward, and Wright. Ayes, 58. Nays, 3.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 961, by Senator Saland, Senate Print 4112A, an act to authorize the Commissioner of General Services to lease certain real property.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 962, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 7918, an act to amend the Public Officers Law, in relation to the residence of fire alarm dispatchers.

SENATOR MONTGOMERY: Lay that aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number

994, by Senator Balboni, Senate Print 4161, an act to amend Chapter 602 of the Laws of 1993 amending the Real Property Tax 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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1101, by Senator Seward, Senate Print 3077, an act to amend the Education Law, in relation to biennial registration fees.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as Chapter 495 of the Laws of 2001.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1112, by Senator Larkin, Senate Print 3611, an act to amend the Tax Law, in relation to the eligibility of farmers.

ACTING PRESIDENT MEIER: 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, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1119, by the Assembly Committee on Rules, Assembly Print Number 8075, an act to amend the General Municipal Law, in relation to the removal of volunteer officers.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1120, by Senator Rath, Senate Print 5078, an act to amend the Social Services Law and the Executive Law, in relation to county planning and facilitation.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 120th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

1121, by Senator Volker, Senate Print 5099, an act to amend the Criminal Procedure Law, the Executive Law, and the Penal Law, in relation to DNA testing of persons.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR MONTGOMERY: Lay that bill aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1122, by Senator Kuhl, Senate Print 5178, an act to amend the Vehicle and Traffic Law, in relation to special hauling permits.

ACTING PRESIDENT MEIER: 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, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1123, by Senator Velella, Senate Print 5179, an act to amend the Education Law and the Administrative Code of the City of New York, in relation to deductions.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1125, substituted earlier today by Member of the Assembly Aubry, Assembly Print Number 851A, an act to amend the Executive Law, in relation to enacting the interstate compact for adult offender supervision.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1130, by Senator McGee, Senate Print 2632, an act to amend the Tax Law, in relation to authorizing the County of Allegany.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1131, by Senator Kuhl, Senate Print 3413, an act to amend the Tax Law, in relation to increasing hotel and motel taxes in Schuyler County.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1132, by Senator Flanagan, Senate Print 3583, an act to amend the Election Law, in relation to polling places in Suffolk County.

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, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1133, by Senator Larkin, Senate Print 3612, an act to amend the Tax Law, in relation to the use of income averaging.

ACTING PRESIDENT MEIER: 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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1134, by Senator Bonacic, Senate Print 3776, an act authorizing the Village of Saugerties in the County of Ulster.

ACTING PRESIDENT MEIER: There is a home-rule message at the desk.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1135, by Senator Little, Senate Print 3789A, an act to authorize the County of Warren to offer an optional twenty-year retirement plan.

ACTING PRESIDENT MEIER: There is a home-rule message at the desk.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1137, by Senator Nozzolio, Senate Print 3881A, an act to authorize the City of Geneva to discontinue.

ACTING PRESIDENT MEIER: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1138, by Senator Skelos, Senate Print 4393A, an act to amend the Criminal Procedure Law, in relation to designating.

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, 60. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

1139, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 8438, an act to amend the Village Law and the Public Officers Law, in relation to the residency.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1140, by Senator McGee, Senate Print 4730, an act to amend Chapter 263 of the Laws of 1981 relating to authorizing.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1141, by Senator Maziarz, Senate Print 4764, an act to amend the Education Law, in relation to school district residency requirements.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1142, by Senator Johnson, Senate Print 4768, an act authorizing the assessor of the Town of Islip.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1143, by Senator Marcellino, Senate Print 4927, an act to amend the Environmental Conservation Law, in relation to the special powers.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1144, by Senator Farley, Senate Print 4945, an act to permit the Gloversville Enlarged School

District to lease certain facilities.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1145, by Senator Balboni, Senate Print 4971, an act to amend Chapter 376 of the Laws of 1998 amending the Public Authorities 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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1146, by Senator Kruger, Senate Print 5000, an act to authorize the Bais Yaakov Gur to file an application.

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, 60. Nays, 1. Senator --

ACTING PRESIDENT MEIER: Senator Mendez, are you asking that the bill be laid aside?

SENATOR MENDEZ: Okay, so let's lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1148, by Senator Meier, Senate Print 5027 --

SENATOR PADAVAN: Lay it aside

for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1149, by Senator Montgomery, Senate Print 5068A, an act authorizing the City of New York to accept.

SENATOR PADAVAN: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1150, by Senator Larkin, Senate Print 5082, an act to authorize the Village of Walden, County of Orange.

ACTING PRESIDENT MEIER: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1151, by Senator Velella, Senate Print 5084, an act authorizing the town of Eastchester to discontinue the use.

ACTING PRESIDENT MEIER: There is a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1152, by Senator LaValle, Senate Print 5100, an act to amend the Town Law, in relation to authorizing.

ACTING PRESIDENT MEIER: There is a home-rule message at the desk.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1154, by Senator Volker, Senate Print 5171, an act to amend the Penal Law, in relation to the crime of aggravated harassment.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1154 are Senators Duane, L. Krueger, Montgomery, Parker, and A. Smith. Also Senator Stavisky. Ayes, 55. Nays, 6.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1155, by Senator Skelos, Senate Print 5302, an

act to amend the Civil Service Law, in relation to reduction.

ACTING PRESIDENT MEIER: There is a home-rule message at the desk.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1156, by Senator Nozzolio, Senate Print --

SENATOR PADAVAN: Lay it aside for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

Senator Padavan, that completes --

SENATOR PADAVAN: Will you go back to Calendar 1146, please.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1146.

THE SECRETARY: Calendar Number

1146, by Senator Kruger, Senate Print 5000, an act to authorize Bais Yaakov Gur to file an application.

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, 61.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Padavan.

SENATOR PADAVAN: Mr. President, can we return to the controversial calendar, please.

ACTING PRESIDENT MEIER: That completes the noncontroversial calendar.

The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 310, by Senator Saland, Senate Print 1916 --

SENATOR LIZ KRUEGER: Explanation, please.

ACTING PRESIDENT MEIER: Senator Saland, Senator Liz Krueger has requested an explanation of Calendar 310.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, this is a bill that we've seen in this chamber on prior occasion. What the bill does is it amends the Family Court Act and Domestic Relations Law to replace reference to "visitation" with the term "parenting time."

And the idea that this is built upon or based upon is that a parent is a parent and that when they're spending time with their child, that time should not be something comparable to visiting; i.e., somebody in an institution or somebody who may be incarcerated.

This is not a substantive amendment. It is an amendment that addresses, I believe, an imbalance, in that it recognizes that a parent, again, is a parent.

ACTING PRESIDENT MEIER: Senator Krueger.

SENATOR LIZ KRUEGER: Thank you.

Through you, Mr. President, if the sponsor would yield for a question.

ACTING PRESIDENT MEIER: Senator Saland, do you yield for a question?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

I will say, Senator Saland, that after considering this bill over the course of the last year, since the last time it came up, I've concluded that I think that this is a good bill, in the sense that we need to expand and recognize the importance of the role of both parents in a child's upbringing and that in fact unfortunately, sometimes, through the course of divorce, one parent or the other feels that they don't have equal responsibility for the rearing of their children or may feel that somehow they are less than a parent because they are not a custodial parent.

But I am also concerned, and I know it's been raised by a number of organizations,

that just changing the terminology from "visitation" to "parenting time" could be misconstrued at some future date by the courts as to assume that we meant here on the floor of the Senate that changing the language of the legislation should be an intended outcome of decreasing child support payments.

So my concern and my question is, can you assure us that changing this language is not intended to be used by the courts to decrease the obligations of a noncustodial parent to make good on the same standards for child support?

SENATOR SALAND: Thank you, Senator Krueger, your point is well taken.

And I want to allay any concerns that you may have. Certainly it is not my intent nor do I believe inadvertently that passage of this bill and its enactment into law will have that particular result.

As I have had occasion to make reference to, there have been any number of bills which I have sponsored, particularly when I served for some ten years as the chair of the Senate Children and Families Committee,

intended to enhance the ability to secure support and to derive more support dollars out of the system.

And the last thing I would want to do would be responsible for legislation that in some way would be counter to that or mitigate that end.

SENATOR LIZ KRUEGER: Thank you.

Briefly on the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator Liz Krueger, on the bill.

SENATOR LIZ KRUEGER: I appreciate Senator Saland's explanation.

And again, as I said, I urge my colleagues to think about voting for this bill, even if they voting against it in the past, because I think the clarification that is important has been made by Senator Saland.

Our goal certainly should be to encourage parental participation in the rearing of their children, both fathers and mothers, and that recognizing such time as equal relationship with their children is a win for the children, for the families, and I think for society.

But, at the same time, to recognize that changing language in a statute is not intended to change the intent of the Legislature, that there are obligations for both parents to participate in the financial support of their children, and that there's a long record of courts using formulas for establishing child-support payments and that a change in wording that hopefully will destigmatize participation in rearing one's child and having responsibility for that child shouldn't be used as a next-step argument for asking for a decreased child-support enforcement order.

So thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. Just briefly on the bill.

Last year when we discussed this bill, I voted no. And, Senator Saland, I still have to vote no.

I am not clear, as some of my colleagues are, that perhaps it's more than changing of language. Because that's all I

see this bill as doing.

I believe that very strongly the fathers -- both parents need and ought to be as involved with their children as they possibly can. But I do not see how this bill in fact changes that status.

What I do see, however, is your attempts -- which I think are positive -- to move us to the point where the courts will begin to be more judicious in the way in which parents are given coparenting. This bill does not do that.

I am more than happy to work with you on such a bill that will do that. But for this moment, I'm still -- I have to vote no.

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

Then the debate is closed, then.

Read the last section.

THE SECRETARY: Section 29. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll -- Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Mr. President, I would just like to briefly

explain my vote.

ACTING PRESIDENT MEIER: Well, let us start the roll call first, then, Senator.

Read the last section.

THE SECRETARY: Section 29. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, just briefly, Mr. President.

I also voted no on this legislation the last time that we voted for it. But I'm going to change my vote.

However, I do hope that we can work together with Senator Saland and my other colleagues to look to change the current status of the pass-along of payments, child-support payments to the custodial parent. Because right now the pass-along is only, I think, $50.

And there are some efforts, I know,

to change that, to increase that. And I hope that we can work together to make that happen. I think that would go a long way to resolve some of the anxiety around the language change. Because we want to make sure that the custodial parent still receives an adequate payment in lieu of the parent being present.

I'm voting yes, Mr. President.

ACTING PRESIDENT MEIER: Senator Montgomery will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 310 are Senators Balboni, Dilán, Duane, Hassell-Thompson, Meier, and Parker. Ayes, 55. Nays, 6.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 962, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 7918, an act to amend the Public Officers Law.

SENATOR MONTGOMERY: Explanation.

ACTING PRESIDENT MEIER: Senator

Maltese, Senator Montgomery has requested an explanation.

SENATOR MALTESE: Mr. President, this bill would exempt fire alarm dispatchers in New York City from being a resident of the political subdivision in which they are employed.

A little more than a year ago, pursuant to legislative enactment of the City Council, fire alarm dispatchers and their supervisors became members of the uniformed force of the New York City Fire Department.

There are currently 169 fire alarm dispatchers, including 141 fire alarm dispatchers and 28 supervisors. They are the only uniformed force of the fire department where a residence requirement requiring them to live within the jurisdiction within which they are employed, basically the City of New York, still persists.

The fire alarm dispatchers would be a group that ordinarily required experience in some sort of volunteer fire department. And out of the 169 present members, many of them have reported or are in the process of

retiring.

As a practical matter, where you have fire alarm dispatchers, the only place they usually get this experience is serving in volunteer fire departments. We have, in the City of New York, almost none, other than one in my own district, which is the Howard Beach Volunteer Fire Department.

So as a practical matter, it was felt by the fire alarm dispatchers that they would go outside the City of New York in order to recruit the majority of their members.

Ordinarily, in the City of New York, residence requirements are in effect to ensure diversity. In the case of the fire alarm dispatchers, some 49 percent are either women or minorities. So it would seem that that desirable effect has been achieved in an of itself by the present rules.

Therefore, I feel that this bill should be passed by this house. It was passed by the Assembly just two or three days ago. It is a good rule for fire alarm dispatchers and is being -- it is presently in this house because of their request.

ACTING PRESIDENT MEIER: Senator Stavisky.

SENATOR STAVISKY: Mr. President, if Senator Maltese would yield to one question.

SENATOR MALTESE: Sure. Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR STAVISKY: Through you, Mr. President, it's my understanding that the uniformed services, people who are part of the uniformed services working for the City of New York who live outside the City of New York are required to pay the New York City -- the full New York City income tax.

Would the fire alarm dispatchers be included in that category as well?

SENATOR MALTESE: Through you, Mr. President, I was advised that this had come up previously in connection with this bill. I am also advised that there is presently a lawsuit pending to that effect, which is still pending.

This bill specifically is addressed

to the residency requirement and, within the confines of the bill itself, states in the title of the act, "in relation to the residence of fire alarm dispatchers," and in the Section 1 of the same bill "for purposes of this section shall include persons employed as fire alarm dispatchers."

So whereas the other uniformed forces of the fire department are for all purposes, including collective bargaining and including any tax advantages -- would be in that category, this bill itself only amends the residence requirements and therefore would only apply to residence requirements.

SENATOR STAVISKY: On the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator Stavisky, on the bill.

SENATOR STAVISKY: I commend Senator Maltese for resolving this unfair situation that exists currently, and I urge my colleagues to support this bill.

Thank you.

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

Senator Montgomery.

SENATOR MONTGOMERY: Mr. President, I would just like to ask Senator Maltese a question.

ACTING PRESIDENT MEIER: Senator Maltese, do you yield for a question?

SENATOR MALTESE: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR MONTGOMERY: Senator Maltese, unfortunately I missed the part on the substitution. Who was the Assembly sponsor of this?

SENATOR MALTESE: Peter Abbate.

SENATOR MONTGOMERY: Peter Abbate. All right, thank you.

Just briefly on the bill, Mr. President.

I think that obviously the main thing that Senator Maltese is doing is correcting a situation where there's an inequity within the department. And it seems only fair to do that.

I would just say, however, that I know that many of the members of the New York

City delegation, especially members of the Black and Puerto Rican Caucus, have been working to get a residency law passed that would require all uniformed employees who work in New York City to live in New York City. It's my understanding that that's one of the main pieces of legislation in their Diallo package.

So I just want to be on record to say that while this bill is an inequity-correcting bill, the underlying principle around residency is being, to my estimation, undermined by continuing to extend and expand the option to live outside of the city while some of us are working and hopeful that we can get legislation which will require all people who are employed in government in New York City, including uniformed employees, to live inside the city.

With that, Mr. President, I will support this legislation. It already passed the Assembly, so apparently there is an agreement on it. However, I vote yes, with some reservation.

Thank you.

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, 59. Nays, 2. Senators Hassell-Thompson and Paterson recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1121, by Senator Volker, Senate Print 5099, an act to amend the Criminal Procedure Law, the Executive Law, and the Penal Law.

SENATOR SAMPSON: Explanation.

SENATOR VOLKER: Mr. President, this bill, which is bill number two from the City of New York this year, criminal justice bill, sets up a process in which a person who is arrested in the state of New York and, under the present law, has to be fingerprinted, would also be required to provide a DNA sample.

By the way, it follows the same process as fingerprintable offenses. That is, if the records are expunged of fingerprints, then the same process would apply to DNA.

This only applies to future offenses and only applies to arrests for fingerprintable offenses. It does not apply to offenses which presently are not fingerprintable. And as I say, it would -- this law would take effect 60 days after it's passed.

ACTING PRESIDENT MEIER: Senator Sampson.

SENATOR SAMPSON: Mr. President, would the sponsor yield for a few questions?

SENATOR VOLKER: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SAMPSON: Through you, Mr. President, is there any provisions for any age with respect to this legislation?

SENATOR VOLKER: Any -- I'm sorry, I didn't hear.

SENATOR SAMPSON: Is there any provision for age, an age restriction with --

SENATOR VOLKER: No. If it is an arrest for a fingerprintable offense now, then it would be subject to DNA.

In other words, if a youth were not subject to fingerprints, then this would not subject him to DNA either.

SENATOR SAMPSON: Through you, Mr. President, if the sponsor would continue to yield for a question.

ACTING PRESIDENT MEIER: Senator Volker, do you continue to yield?

SENATOR VOLKER: Yes. Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SAMPSON: So with respect to this legislation, juveniles who are arrested, as you say, for loitering, as an example that you use in the statute, they would be subject to the fingerprinting and also the DNA sample; correct?

SENATOR VOLKER: I don't think -- I don't believe that loitering is a fingerprintable offense. That I'm aware of.

I think it has been to be a misdemeanor before -- in any case, until --

unless -- I don't believe loitering. I think loitering is not a misdemeanor. So I don't see how it could be a fingerprintable offense in any case, and therefore it wouldn't be covered by DNA.

SENATOR SAMPSON: Through you, Mr. President, would the sponsor continue to yield for a question?

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR SAMPSON: According to Criminal Procedure Law Section 160.10, loitering -- 160, subdivision 10, 1(d) indicates that loitering is a --

SENATOR VOLKER: Fingerprintable offense?

SENATOR SAMPSON: -- of identification and as a result is subject to fingerprinting, and as a result would be subject also to the DNA testing.

SENATOR VOLKER: Well, I apologize, Senator Sampson. In that case you are right. I did not realize that loitering was a fingerprintable offense.

It just goes to show you how other people know more than I do about this stuff. But no, I didn't realize that.

Generally speaking, as you know, fingerprintable offenses are only crimes -- that is, misdemeanors. And most of the time crimes that are fingerprintable are felonies. But I guess there are some offenses that we have put in, frankly because of the City of New York, if I remember right, and made them fingerprintable because of identification purposes and things of that nature.

But you're right, if the person was arrested for a fingerprintable offense and the loitering is a -- is such an offense, then that person would be subject to DNA. You're absolutely right.

SENATOR SAMPSON: Through you, Mr. President, would the sponsor continue to yield for questions?

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SAMPSON: Through you, Mr. President, what in fact happens in those

instances where the alleged individual is arrested and therefore comes to find out he was falsely arrested? What then happens to that DNA sample?

SENATOR VOLKER: The DNA would be expunged in the same way as fingerprints would be expunged. And that provision is in this bill.

So that if it would be -- as you know, if there is a dismissal or an acquittal, then the person has the right that the fingerprints be returned. In this case, the DNA sample would have to be expunged and destroyed.

SENATOR SAMPSON: Through you, Mr. President, would the sponsor continue to yield?

ACTING PRESIDENT MEIER: Senator Volker, do you yield?

SENATOR VOLKER: Sure. Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SAMPSON: Through you, Mr. President, what happens in those

instances, as we all know, where even though the fingerprints are supposed to be expunged, they are actually not expunged and they therefore still exist in a database and they arise when the falsely accused applies for a job?

In those situations, shouldn't there be a procedure in which that the destruction of such DNA sampling is -- shouldn't it be a -- shouldn't there be a procedure where we know that the destruction of such DNA sampling actually occurs, instead of taking it for granted that it will eventually be destroyed but at some point in time we cannot ascertain if in fact it has been destroyed?

SENATOR VOLKER: Well, Senator, it's illegal, in fact, to use any fingerprint identification which is to be expunged and to disseminate it for job purposes or any other purpose.

And therefore, anybody who would use DNA even after it was supposed to be expunged is subject to a penalty. And I think in some cases, in fact, it would be a crime.

The truth is, in these times -- and there have been people who have been, frankly, brought up on charges because they released information on the fingerprints chart which was supposed to be expunged.

So I think you're right there. I think the problem is we have to make sure that people follow the law. And as you know, whenever anybody has found out that for some reason they weren't expunged, you can bring an action to make sure they are.

But I think one of the things that will have to be done with DNA is to make sure that not only the fingerprints are expunged, but also the DNA, because that is only right.

SENATOR SAMPSON: Thank you, Mr. President.

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

Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. If the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Volker, do you yield for a question?

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Thank you.

Senator Volker, I am torn on this bill because, on the one hand, in the memo you talk about -- it uses the example of having DNA used to find someone who was guilty of rape even though they had been in the system, so to speak, only for robbery. And those are not necessarily directly associated charges.

But following up on Senator Sampson's point, it concerns me that we would open the door for DNA testing for people in almost every imaginable type of minimal crime.

I was sitting here reading through the misdemeanor charts. So that would be DNA testing for anyone arrested for disorderly conduct, loitering, as Senator Sampson said, eavesdropping, the use of fireworks, fortune telling, promoting gambling -- I suppose, with all due respect to Senator Padavan, excluding New York State government -- graffiti, harassment, public lewdness, rent gouging, theft of services, unlawful use of a computer.

There's such a long, long list of crimes that I don't think meet a standard of sort of danger and, I suppose, physical danger associated with the example in your memo.

I mean, even the City of New York right now wants to require fingerprinting for people who are unlicensed vendors who the police stop and tell them to stop vending on our streets. And under your bill, they too would go through DNA tests.

SENATOR VOLKER: No, that's incorrect. Because that wouldn't be an arrest. What you're talking about is the -- we checked into that, by the way.

SENATOR LIZ KRUEGER: Okay.

SENATOR VOLKER: And there's a number of inaccuracies in that memo, by the way.

Because fingerprintable offenses are not all the offenses that you listed. We specifically had to list -- for instance, offenses like loitering, the only way that would become a fingerprintable offense would be to put it right in the statute. Because the majority of misdemeanors are not

fingerprintable offenses. Most of the offenses that are fingerprintable are felonies.

As far as the permitting is concerned -- and I understand what the city is talking about doing is fingerprinting for someone who gets a permit. But it's not an arrest. And therefore, since it's not an arrest, you couldn't be subject to DNA -- to taking DNA.

SENATOR LIZ KRUEGER: Mr. President, just through you, to continue my question.

ACTING PRESIDENT MEIER: Senator Volker, do you continue to yield?

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LIZ KRUEGER: Perhaps I complicated the issue by highlighting the new vendor proposal by the city. Although my understanding is they wouldn't fingerprint upon the application, they would fingerprint when they arrested you for vending without a license.

But again, that was just one example that fingerprinting -- again, as I'm looking at the same law that Senator Sampson was referencing, that a misdemeanor can be a fingerprintable offense.

So you're saying that under your bill -- and I misunderstood either the memo or the bill -- most misdemeanors are not fingerprint-required?

SENATOR VOLKER: Under the present law, most misdemeanors are not fingerprintable. And there are some that are.

I think the reason disorderly conduct was fingerprintable, even though it's not a misdemeanor, was because of the implications of some of the crimes that are involved. And in fact, only certain of the disorderly conduct offenses are printable.

I mean, what happened -- in fact, most of those misdemeanors that were put in were because of the City of New York, because of the difficulty in tracking people.

But it's not as simple as some people have tried to make it out to be. And I'm the first to say that this is an expansion

of the DNA processing. And I realize that defense attorneys are extremely nervous about this, and that the Civil Liberties Union is extremely nervous because, after all, these are the people they represent that get caught up in crime situations.

And a person who is a -- by the way, I mean I am a person who's been fingerprinted all kinds of times. I was fingerprinted when I was a cop, I was fingerprinted when I was a mailman, all that sort of stuff. Which is something that many people never thought about. So I suppose if I was involved in anything, they could easily get my -- could identify me because my fingerprints would be all over the place.

But as far as DNA is concerned, you must remember, this is only an arrest. The DNA samples can be disposed of and blocked out, which is the way that they're doing it nationwide now when they do it. They simply eliminate any of the reference to those people.

So in all honesty, although this is for more of a principle kind of thing for some

people, I'm pretty sure that before you left -- because you're younger than I am, before you are gone from here, we'll be doing this anyways. I can virtually assure you.

SENATOR LIZ KRUEGER: Mr. President, if I could yield to my criminal defense lawyer, Senator John Sampson.

Because my understanding, at least in New York City, is you get arrested, you get fingerprinted. Including civil disobedience, something I'd forgotten to mention before. So if I could yield.

SENATOR SAMPSON: Through you, Mr. President, would the sponsor continue to yield?

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: Are you asking Senator Volker a question?

SENATOR SAMPSON: Yes.

ACTING PRESIDENT MEIER: Senator Volker, do you yield for a question?

SENATOR VOLKER: Certainly. Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SAMPSON: Through you, Mr. President, to the sponsor, what offenses which are misdemeanors are not fingerprintable?

SENATOR VOLKER: Well, I guess I would answer that by saying this. And there may be some fingerprinting done in the City of New York. But I can assure you that the vast majority of the misdemeanors are not fingerprintable.

I mean, traffic misdemeanors -- there's a lot of traffic misdemeanors. It is only recently that they -- that disorderly conduct was put in. Because most of disorderly conduct are not misdemeanors to start with, they are offenses.

And so that what has happened, of course, in the city is that if you don't have a Class E felony, it is not even considered a -- almost a reportable offense these days. Misdemeanors are now like violations used to be.

But I don't know -- we never -- when I was a police officer, there were very few misdemeanors that we fingerprinted. And

in fact, there is no authorization for most misdemeanors to be fingerprinted. That I'm aware of.

SENATOR SAMPSON: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Volker, do you yield for another question?

SENATOR VOLKER: Yes, certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SAMPSON: Through you, Mr. President, based upon my experience dealing with the criminal justice system, once an individual is arrested, and if they have to go through an arraignment, they are all fingerprinted, whether for disorderly conduct, whether for misdemeanors, felonies.

And as a result of that, then how are we able to distinguish what are fingerprintable offenses versus those which are not fingerprintable offenses?

Because based upon this statute -- but based upon practice, once you are arrested and you go down to central booking, all

individuals are fingerprinted. And as a result of this legislation, they would also have to go through the DNA testing.

SENATOR VOLKER: Senator, I must tell you something. First of all, it's news to me that disorderly conduct people are arraigned; I mean, you go into court. In many cases, disorderly conduct, you get an appearance ticket. At least that's the practice in most of the state.

If you're telling me that the police take the time to fingerprint people for minor offenses, that's interesting. Because it puts a -- it's a huge waste of time, as far as I'm concerned.

But it's possible, if they are arrested and if they are fingerprinted and if they are subject to being fingerprinted, assuming it's legal, then it's true that under this statute, apparently then in the City of New York -- I don't believe it would be anyplace in the rest of the state -- they would be subject to giving a DNA sample. You're absolutely right.

SENATOR SAMPSON: Also through

you, Mr. President, one final question for the sponsor.

ACTING PRESIDENT MEIER: Senator Volker, do you yield for one question?

SENATOR VOLKER: Sure. Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SAMPSON: Through you, Mr. President, in those situations where -- usually when most individuals are arrested, they are arrested for -- as we all know, if they are arrested for, say, a felony and then after we do go through the entire court proceedings, sometimes a felony is reduced or it's pled, sometimes, in some instances, to a violation.

And what do we do in those instances? At what stage would that DNA sampling be done? At the initial stage when the person is arrested --

SENATOR VOLKER: Yes.

SENATOR SAMPSON: -- or at the end result of the disposition of the case?

SENATOR VOLKER: No, that would be if -- whenever they were required to

provide fingerprints. At the same time, they would be provided with a DNA sample.

As you know, when you are -- if a charge is reduced, you then can apply to have the fingerprints expunged. And if it is reduced below the line, so to speak, on most cases -- I say most cases, because it depends on what you're also charged with, other things that you're charged with.

But you're right, that the arrest then would trigger the fingerprinting and would then trigger the DNA. Exactly right.

SENATOR SAMPSON: Thank you.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: Mr. President, through you, would the sponsor yield?

ACTING PRESIDENT MEIER: Senator Volker, do you yield for a question?

SENATOR VOLKER: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LACHMAN: My memory might be faulty, Senator Volker, but wasn't a similar bill discussed in committee, and never

went out of committee, last year or the year before?

SENATOR VOLKER: No, not an arrest.

I can't remember -- we discussed a bill for conviction. I believe the city sent us a bill that said that everyone convicted of a fingerprintable offense would have to give DNA. But I don't remember a bill that would provide for DNA for any fingerprintable offense which you're arrested for.

I believe -- this is my recollection -- this is the first time we've seen this bill.

SENATOR LACHMAN: Mr. President, through you, would the sponsor yield for another question?

ACTING PRESIDENT MEIER: Senator Volker, do you yield?

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LACHMAN: I believe in response to one of the questions of my colleagues you said that the DNA profiles can

be taken out of the individual's record.

SENATOR VOLKER: Right. Sure.

SENATOR LACHMAN: What criteria are used for these to be taken out, and by what authority?

SENATOR VOLKER: The criteria that you use would be the same criteria as for getting rid of fingerprinting. In other words, if the fingerprints are to be expunged, then the DNA would be expunged, under the same rules.

I think some people think you can't do that, but you can do that.

SENATOR LACHMAN: Mr. President, would the sponsor continue to yield?

ACTING PRESIDENT MEIER: Senator Volker?

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LACHMAN: Are you saying, Senator Volker, that if a fingerprint is taken out of the record, the DNA automatically is taken out of the record?

SENATOR VOLKER: Exactly. If you

read the bill, you'll see that the process in here follows the same process as expungement for fingerprinting.

SENATOR LACHMAN: Thank you.

SENATOR VOLKER: You're welcome.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I wonder if Senator Volker would yield for a question.

ACTING PRESIDENT MEIER: Senator Volker, do you yield for a question?

SENATOR VOLKER: Sure. Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR MONTGOMERY: Senator Volker, since, as Senator Sampson has pointed out, in looking at current law as it relates to who gets fingerprinted, even if a police officer stops someone because they don't have don't have appropriate identification, they could be fingerprinted.

And certainly since we -- our School Safety Act includes a measure in which

a youngster or a person in a school could receive -- be arrested and be charged with a Class D felony, that means we could have literally thousands of people who, based on the fingerprinting law, would be required to have their DNA tested or collected.

SENATOR VOLKER: The answer is no, I don't believe many children are arrested for Class D felonies. I would suspect you would find out it would be a handful that are arrested on Class D felonies. It just doesn't happen. Or even Class E felonies.

So the answer is just because you stop somebody for identification, unless they're actually arrested -- they have to be arrested in order to be fingerprinted and to get the DNA taken. That's the law now. That's the law in this bill.

In fact, this bill is even more clear that they have to be arrested in order to take DNA.

SENATOR MONTGOMERY: Well, Senator Volker -- through you, Mr. President.

ACTING PRESIDENT MEIER: Senator Volker, do you continue to yield?

SENATOR VOLKER: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR MONTGOMERY: I was referring to the legislation that went into effect, I believe, last year. So it hasn't had a chance to really be fully tested. But we changed the charge from a misdemeanor to a felony in the schools.

But that's not my question. I was just -- I wanted to ask that with the understanding that any arrest, basically, based on the current law, could lead to a person being fingerprinted --

SENATOR VOLKER: Yes.

SENATOR MONTGOMERY: -- and under those circumstances, we're going to have thousands of additional DNA samples collected.

What do we do, given the fact that we already can't process the large numbers of DNA samples that we already have, and we're going to add to it? Will that cause a huge problem? And how would we pay for that testing that would be required?

SENATOR VOLKER: Well, I don't

think -- I don't think -- the testing is not as much of a problem as the storage. But we are doing a much better job than people think of doing the storage now than we were before.

But you're right about one thing, it would cost some more money. Because it is not cheap to do this sort of -- it's not the testing, it's the storage and the comparing and all that stuff that is really expensive.

You're right there. We would have to increase the spending. We'd probably have to use some Homeland Security money, like we do for just about everything else, it seems.

But you're right, it would be a very expensive process. And it's something we have to look at when we deal with this.

SENATOR MONTGOMERY: Thank you, Senator Volker.

I have had conversations with Senator Volker in prior years around the whole question of how do we ensure, in fact, that anyone who is convicted has access to DNA testing in defense of a case, as much as we have access to DNA for tracking criminal activity and a person who has committed a

crime.

However, I think that this goes way beyond what we would consider to be a positive step in the direction that I've discussed with Senator Volker -- which I certainly would like to see us do.

But this means that practically every young person who runs into a police officer -- certainly this happens a lot in my district. Youngsters are arrested for any number of reasons, and ultimately they are not convicted of anything, because it's a charge that's totally thrown out.

And I would certainly not agree that we should be doing a DNA collection for every single person that is just arrested for any purpose.

So I'm going to vote no on this legislation.

ACTING PRESIDENT MEIER: Senator Sabini.

SENATOR SABINI: Thank you, Mr. President. If, through you, the sponsor would yield for a question.

ACTING PRESIDENT MEIER: Senator

Volker, do you yield for a question?

SENATOR VOLKER: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SABINI: Senator Volker, at the beginning of your presentation you mentioned this was, I think, the number-two priority for the City of New York in criminal justice?

SENATOR VOLKER: No, no, no, this is the number two criminal justice -- not their priority. They've sent us this bill. This is their number two criminal justice bill sent to us for this year. I'm not saying that this is their priority.

SENATOR SABINI: From the City of New York?

SENATOR VOLKER: Yes. This is a City of New York bill, is my point.

SENATOR SABINI: Because, Mr. President, through you, the --

ACTING PRESIDENT MEIER: Senator Volker, do you continue to yield?

SENATOR VOLKER: Certainly.

ACTING PRESIDENT MEIER: The

sponsor yields.

SENATOR SABINI: Because we received no memorandum from the city as -- or at least I don't have a copy of it, as per the usual custom.

SENATOR VOLKER: I can assure you, it is from the City of New York. That's why I wanted to mention it.

SENATOR SABINI: On the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator Sabini, on the bill.

SENATOR SABINI: It just -- it seems to me that the bill as drafted is so overarching as to be cumbersome for the city to even administer, because virtually all arrests will result in -- other than desk appearance tickets will result in fingerprinting and then, via this bill, DNA testing.

And as we've learned in cases of rape, DNA testing is not always put to the best use, it's not stored properly.

And while I share the sponsor's desire to track criminals better and more

efficiently and use technology, I just don't know if this shouldn't be narrowed a little bit so that we don't have virtually everyone who comes in contact with a police officer subject to DNA testing.

I think that the concept is good. I just think it's -- the way it's drafted here, we wouldn't be able to get our arms around it. I don't have as much of a civil liberties problem with it as I do an administration problem. And, frankly, to see everyone who gets arrested for a misdemeanor subject to DNA testing I think is just way too much for us to handle.

And I just don't think this is the best use of the technology. Maybe if we phased it in for felonies, I can see that. But I just think this is a little too much.

I understand that sometimes, to get criminals back into the system, we have to get them for the small stuff. That was done very well in the subway system in New York under -- when Bill Bratton ran the transit police. I understand the concept.

But I just think this is too much

too quickly, and my inclination is to vote against this.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the 60th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Volker, to explain his vote.

SENATOR VOLKER: Just one thing quickly, a clarification on loitering.

I was just advised by my learned counsel as to when we put that provision -- the reason that provision was in, and that was specifically for the city on fingerprinting people who are arrested for loitering, because they had such a difficulty in determining whether a person was a repeat offender or who the person was, in many cases, that -- because a repeat offense is a crime. The initial offense is not, but the repeat offense is a crime.

So the reason for the fingerprinting was to determine who the people are, in many cases. And that was the reason that we put it in, at the behest of the City of New York and I think the New York City Council at the time, because they were having such difficulty tracking people.

And the concept was that if it turned out they were not misdemeanants or felons, whatever, that the fingerprinting could then be disposed of after they found out exactly who they were.

ACTING PRESIDENT MEIER: Senator Volker will be recorded in the affirmative.

SENATOR VOLKER: Yes, affirmative.

ACTING PRESIDENT MEIER: I thought so.

THE SECRETARY: Those recorded in the negative on Calendar Number 1112 are Senators Dilán, Duane, Hassell-Thompson, L. Krueger, Montgomery, Parker, Paterson, Sabini, Sampson, A. Smith, M. Smith, and Stavisky. Ayes, 49. Nays, 12.

ACTING PRESIDENT MEIER: The bill

is passed.

Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Mr. President, I would like unanimous consent to be allowed to change my vote on a bill.

SENATOR VOLKER: This bill?

(Laughter.)

ACTING PRESIDENT MEIER: What bill, Senator?

SENATOR MONTGOMERY: I would like to vote no on 962.

ACTING PRESIDENT MEIER: Without objection, Senator Montgomery will be recorded in the negative on Calendar 962.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: Calendar Number 1149, by Senator Montgomery, Senate Print 5068A, an act authorizing the City of New York.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

SENATOR VOLKER: Explanation.

No, no.

(Laughter.)

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Montgomery, I think you hurt Senator Volker's feelings.

Senator Padavan, that completes the controversial calendar.

SENATOR PADAVAN: Is there any housekeeping at the desk, Mr. President?

ACTING PRESIDENT MEIER: No, there is not.

SENATOR PADAVAN: Then if we can stand at ease just for one minute, Mr. President.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 5:46 p.m.)

(Whereupon, the Senate reconvened at 5:47 p.m.)

SENATOR PADAVAN: Mr. President.

ACTING PRESIDENT MEIER: Senator Padavan.

SENATOR PADAVAN: The Senate will adjourn until Wednesday, June 11th, at 3:00 p.m.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Wednesday, June 11th, at 3:00 p.m.

(Whereupon, at 5:48 p.m., the Senate adjourned.)