NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 9, 2004

11:03 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, June 8, the Senate met pursuant to adjournment. The Journal of Monday, June 7, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

Amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator Volker, page number 11, Calendar Number 289, Senate Print Number 2326C;

By Senator Bonacic, page number 29, Calendar Number 777, Senate Print Number 6645A;

By myself, page number 32, Calendar Number 833, Senate Print Number 6962A;

By Senator Rath, page number 65, Calendar Number 1358, Senate Print 7013;

By Senator Bruno, page number 73, Calendar Number 1476, Senate Print Number 6747.

I now move that these bills retain

their place on the order of third reading.

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

Senator Skelos.

SENATOR SKELOS: Mr. President, are there any substitutions at the desk?

ACTING PRESIDENT MEIER: Yes, there are.

SENATOR SKELOS: If we could make them at this time.

ACTING PRESIDENT MEIER: The Secretary will read the substitutions.

THE SECRETARY: On page 17, Senator Padavan moves to discharge, from the Committee on Rules, Assembly Bill Number 3686 and substitute it for the identical Senate Bill Number 4121, Third Reading Calendar 442.

On page 75, Senator DeFrancisco moves to discharge, from the Committee on Rules, Assembly Bill Number 10800 and substitute it for the identical Senate Bill Number 7209, Third Reading Calendar 1494.

On page 75, Senator Leibell moves

to discharge, from the Committee on Rules, Assembly Bill Number 11080A and substitute it for the identical Senate Bill Number 7297A, Third Reading Calendar 1496.

And on page 76, Senator Larkin moves to discharge, from the Committee on Rules, Assembly Bill Number 11349 and substitute it for the identical Senate Bill Number 7368, Third Reading Calendar 1502.

ACTING PRESIDENT MEIER: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a resolution at the desk, 5402, by Senator Bonacic. Could we please have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read Resolution 5402.

THE SECRETARY: By Senator Bonacic, Legislative Resolution Number 5402, commending the Valedictorians, Salutatorians, and Honored Students of the 42nd Senate District, in recognition of their outstanding accomplishments, at a celebration to be held

at the State Capitol on June 9, 2004.

"WHEREAS, It is the sense of this Legislative Body to act in accord with its longstanding traditions, to honor the youth of today -- the leaders of tomorrow -- whose character and achievements exemplify the ideals and values cherished by this great state and nation; and

"WHEREAS, This Legislative Body is justly proud to recognize and commend the high achievements of these dedicated students in the 42nd Senate District on the occasion of a special celebratory visit to the State Capitol in Albany, New York, on Wednesday, June 9, 2004. At this time the Valedictorians, Salutatorians and Honored Students who have been selected by their school leadership for outstanding community service will receive special recognition from the Senate in the Senate chamber. Lunch will be served in the Well of the Legislative Office Building, followed by a tour of the State Capitol; and

"WHEREAS, These Valedictorians, Salutatorians, and Honored Students represent the best of developed potential inherent in

our most precious resource, our youth. These achievements have brought enduring honor to their families and communities and should be recognized and saluted; and

"WHEREAS, The Valedictorians who are being commended today for their outstanding academic performances and exemplary achievements include: Sarah Sidorowicz, Erin Bailey, Chelsea Frisbee, Christopher Odell, Jene Shafer, David Albanese, Jennifer Matthews, Sarah Halprin, Benjamin Lennon, Krista Brown, Megan Foscaldi, Gauray Gulati, Erin M. Simpson, Jennifer Taggart, Rebecca Eignor, Shilpa Agarwal, Laura Falconieri, Brian Brandes, Charlene E. Carroll, Lisa E. Manz, Ashley M. Morse, Jason W. Richmond, William Hurley, Natalie Martin, Otto Burger, Emily Wolford, Susanne Bowers, Alison Hinkley, Jesse Louis-Rosenberg, Stephen Pysnik, Jack Cooperman, Max Tannone, Carrara Tait, Ashley Relyea, John Theadore, Heather Iatauro, Angela Lee and Matthew John George; and

"WHEREAS, The Salutatorians who are being commended today for their outstanding

academic performances and exemplary achievements include: Carissa Fairbairn, Lisa Staiber, Anup Krishna Gangavalli, Crystal Trask, Allison Lake, Rebecca Haber, Nathan Nero, Katherine Orlowski, Virginia Perry-Unger, Jessica Montrose, Andrew Maxwell, Morgan Hardy, Krista Bressler, Lindsay Fisk, Paige Miller, Caitlin Clancy, Jill Balzano, Kenneth M. Johnson, Alison Bender, Ashley Hunt, Evan Sangaline, Brenden Hendrickson, Carly Finch, Holly Meredith, William McLean, John Paczkowski, Chalya Tait, Amanda Krom, Amber Saylor, Kaleigh Battle and Michelle Elaine DuMond; and

"WHEREAS, The Honored Students who are being commended today who have been selected by their school leadership for outstanding school or community service include: Amanda Galunas, Megan Andrews, Shiloe Mokay, Richard Watts, Mark York, Gail Crossman, Shanna Curlin, Melissa Hoos, Laura Gluckman, Kimberly Noonan, Hannah Bessell, Molly Carboy, Tonya Stokes, Shannon Bowers, Hemang Mistry, Erica Farrell, Jereme Bivins and Craig DeCicco; and

"WHEREAS, These Valedictorians, Salutatorians, and Honored Students may now stand with pride as they assess their achievements, experience the satisfaction of their labors and the joy of their accomplishments, eager to face the new experiences of a challenging world; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commend the Valedictorians, Salutatorians and Honored Students of the 42nd Senate District, in recognition of their outstanding accomplishments, at a celebration to be held at the State Capitol on June 9, 2004; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the aforementioned Valedictorians, Salutatorians, and Honored Students."

ACTING PRESIDENT MEIER: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

Tom, you did a good job on all the

names, I want you to know.

I feel like a proud dad today, but I'm a proud Senator. I'd like to welcome all of the valedictorians, the salutatorians and the community award winners from 31 school districts. There's 87 honored guests today, and their proud parents and friends and relatives.

This is our fifth time that we have done this. We've had a brief seminar this morning for the honored guests we're honoring today. We're going to treat them to pizza and soda. They're seeing the Senate chambers in action.

But the thing that I'd like to impress for all of our colleagues is most of the time we have athletes in these chambers, and we honor our athletes for their successes in winning championships. But in my humble opinion, the people that are in these chambers today are the athletes of the mind, the best and the brightest, the future leaders of America.

And I would say to you that when you finish college, we want you to think about

coming to this great state that offers wonderful opportunities in health care, in education, in nanotechnology and business. Raise your families here, live, work and play here. It's one of the best states, if not the best state, in the United States.

I'm honored to have you, and have a wonderful day.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I'd like to rise and echo what Senator Bonacic said.

And he truly is proud of all of you. We've talked about this as late as last evening, how excited he was that all of you were going to be here to be honored for your great achievements.

And we do honor athletes, we do honor other individuals for various things throughout the year. But I'll bet the valedictorians and salutatorians are also leaders in other areas. I bet you we have athletes here. I'll bet you we also have

great musicians and people who excel in other areas. Because usually the ones who are the busiest and working the hardest academically have many, many other interests and time for those interests as well.

And the other reason we're all proud on this floor of all of you, because the only people that have ever been valedictorians or salutatorians are in the gallery. And we understand how impressive it is and how hard you had to work to get to where you were and where you are.

Congratulations.

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: I'm sorry, Senator Skelos.

SENATOR SKELOS: Mr. President, I would like to point out to Senator DeFrancisco and to our guests that Senator Bonacic is a

great athlete.

(Laughter.)

SENATOR SKELOS: But he was also valedictorian of his class. So we do have a valedictorian on the floor who's also a great athlete.

ACTING PRESIDENT MEIER: The question, then, 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 adopted.

(Applause.)

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

There's another resolution at the desk by Senator Bonacic, 5478. If we could have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The

Secretary will read.

THE SECRETARY: By Senator Bonacic, Legislative Resolution Number 5478, commemorating the 60th Anniversary of the Police Benevolent Association of the New York State Troopers, Inc.

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 adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a resolution, 5394, by Senator DeFrancisco at the desk. If we could have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator DeFrancisco, Legislative Resolution Number

5394, commemorating the 100th Anniversary of the New York State Association of Fire Chiefs, to be celebrated June 9 through 12, 2004.

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 adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's Resolution 5488 at the desk by Senator Larkin. Could we have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Larkin, Legislative Resolution Number 5488, honoring Ada Bell upon the occasion of her retirement after 35 years of distinguished service to the Newburgh School District.

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 adopted.

Senator Skelos.

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

ACTING PRESIDENT MEIER: The Secretary will conduct the noncontroversial reading of the calendar.

THE SECRETARY: Calendar Number 33, by Senator DeFrancisco, Senate Print 2993, an act to amend the Navigation Law, in relation to the operation of a vessel recklessly.

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, 42.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 34, by Senator Alesi, Senate Print 46B, an act to amend the Penal Law, in relation to establishing the offense of unlawful failure.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 55, by Senator Leibell, Senate Print 4816, an act to amend the Transportation Corporations Law, in relation to capacity plans.

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, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 89, by Senator Maltese, Senate Print 87A, an act to amend the Real Property Tax Law, in relation to the optional school tax exemption.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect June 1, 2005.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 90, by Senator Balboni, Senate Print 3939A, an

act to amend the General Business Law, in relation to requiring.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 95, by Member of the Assembly Sanders, Assembly Print Number 1892A, an act to amend --

SENATOR SCHNEIDERMAN: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 192, by Member of the Assembly M. Cohen, Assembly Print Number 608, an act to amend the Vehicle and Traffic Law, in relation to allowing.

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, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 197, by Senator Marcellino, Senate Print 5901, an act to amend the Vehicle and Traffic Law, in relation to permitted use.

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, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

304, by Senator LaValle, Senate Print 749, an act to amend the Tax Law, in relation to providing an exemption.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first day of a sales tax quarterly period.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 307, by Member of the Assembly Brodsky, Assembly Print Number 617C, an act to amend the Public Lands Law, in relation to making surplus.

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, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 450, by Senator Robach, Senate Print 2764A, an act to amend the Executive Law and the Social Services Law, in relation 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, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 452, by Senator Rath, Senate Print 5291A, an act to amend the Family Court Act and the Executive Law, in relation to orders of protection.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 90th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 468, by Senator Larkin, Senate Print 953B, an act to amend the Education Law, in relation to health education regarding alcohol, drugs and tobacco.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 542, by Senator Leibell, Senate Print 4373B,

an act to make certain parents, widows and children of certain firefighters dying at the World Trade Center on September 11th eligible.

ACTING PRESIDENT MEIER: 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.)

SENATOR SKELOS: Lay it aside for the day, please.

ACTING PRESIDENT MEIER: Withdraw the roll call.

Lay the bill aside for the day.

THE SECRETARY: Calendar Number 559, by Senator Marchi, Senate Print 6161, an act to amend the Public Authorities Law, in relation to requiring the Triborough Bridge and Tunnel Authority.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 591, by Senator Rath, Senate Print 4984, an act to amend the Social Services Law, in relation to evidence in termination.

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, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 718, by Senator Leibell, Senate Print 4331, an act to amend the New York State Urban Development Corporation Act, in relation to working capital assistance.

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, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 726, by Senator Volker, Senate Print 1891A, an act to amend the Penal Law, in relation to establishing the crimes of assaulting a child in the first and second degree.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 730, by Senator Balboni, Senate Print 2498B, an act to amend the Penal Law, in relation to establishing a new crime of unlawfully dealing with a child in the first degree.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43. Nays, 1. Senator Hassell-Thompson recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 733, by Senator Rath, Senate Print 3845A, an act to amend the Penal Law, in relation to establishing the crimes of attempting to lure or entice a child.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 770, by Senator Rath, Senate Print 6743, an act to amend the Social Services Law, in relation to considering a child's relationships.

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, 45.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 783, by Senator Alesi, Senate Print 947, an act to amend the Correction Law, in relation to work-release programs.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 811, by Senator Seward, Senate Print 6076, an act to amend the Insurance Law, in relation to personal lines insurance.

ACTING PRESIDENT MEIER: Senator Maltese.

SENATOR MALTESE: Lay it aside for the day, please.

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

THE SECRETARY: Calendar Number 849, by Senator Saland, Senate Print 1914, an act to amend the Criminal Procedure Law, in relation to expanding the offenses concerning.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 850, by Senator Saland, Senate Print 1915, an act to amend the Criminal Procedure Law, in relation to authorizing child witnesses.

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, 45.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 853, by Senator Golden, Senate Print 3974A, an act to amend the Penal Law, in relation to establishing the crime of criminal neglect.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 856, by Senator Volker, Senate Print --

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 867, by Senator LaValle, Senate Print 6219A, an act to amend the Navigation Law, in relation to requiring.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44. Nays, 1. Senator Wright recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 885, by Senator Larkin, Senate Print 6505, an act to amend the Environmental Conservation Law, in relation to promoting the distribution.

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number

895, by Senator Golden, Senate Print 6516A, an act to amend the General Municipal Law, in relation to allowing police 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, 44. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 941, by Member of the Assembly Nolan, Assembly Print Number 9598, an act to amend the Executive Law, in relation to providing for annual adjustments.

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, 45.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 953, by Senator Volker, Senate Print 6146, an act to amend the Vehicle and Traffic Law, in relation to issuance of distinctive plates.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 988, by Senator Trunzo, Senate Print 937, an act to amend the Vehicle and Traffic Law, in relation to speeding.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 180th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 990, by Senator Farley, Senate Print 1658B, an act to amend the Vehicle and Traffic Law, in relation to authorizing distinctive license plates.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1028, by Senator Rath, Senate Print 6642, an

act to amend the Social Services Law and the Penal Law, in relation to the provision of child daycare.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR RATH: Lay it aside for the day, please.

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

THE SECRETARY: Calendar Number 1029, by Senator Rath, Senate Print 6713, an act to amend the Family Court Act and the Social Services Law, in relation to court review.

ACTING PRESIDENT MEIER: Senator Maltese.

SENATOR MALTESE: Lay this bill aside, Mr. President, for the day.

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

SENATOR MALTESE: Could you call up Calendar Number 1028 again, please.

ACTING PRESIDENT MEIER: The Secretary will read Calendar Number 1028.

THE SECRETARY: Calendar Number

1028, by Senator Rath, Senate Print 6642, an act to amend the Social Services Law and the Penal Law, in relation to the provision of child daycare services.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 60th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1045, by Senator Morahan, Senate Print 6461B, an act to authorize the First Timothy Christian Church 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, 46. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1054, by Senator Farley, Senate Print 2180A, an act to amend the Banking Law, in relation to including mortgage bankers.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1079, by Member of the Assembly McLaughlin, Assembly Print Number 7137B, an act to amend the General Business Law, in relation to immigrant assistance services.

SENATOR HASSELL-THOMPSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1094, by Senator DeFrancisco, Senate Print 6990, an act to amend the Estates, Powers and Trusts Law, in relation to an order for the purposes of conducting.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1116, by Senator Trunzo, Senate Print --

SENATOR TRUNZO: Lay it aside for the day, please.

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

THE SECRETARY: Calendar Number

1130, by Senator Rath, Senate Print 6629A, an act to amend the Penal Law, in relation to endangering the welfare of a child.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1133, by Senator DeFrancisco, Senate Print 7028A, an act to amend the Civil Practice Law and Rules, in relation to the admissibility of graphic, numerical, symbolic or pictorial representations.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1135, by Senator Flanagan, Senate Print 7162, an act to amend the Penal Law and the Correction Law, in relation to endangering the welfare of a child.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1194, by Senator Spano, Senate Print 6230, an act to amend the Public Health Law, in relation to establishing.

ACTING PRESIDENT MEIER: Read the

last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1244, by Senator Farley, Senate Print 4385, an act to amend the Public Authorities Law, in relation to authorizing.

ACTING PRESIDENT MEIER: 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, 47.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1255, by Senator Kuhl, Senate Print 7298, an

act to amend the Vehicle and Traffic Law, in relation to the use of restored registration plates.

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, 47.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1266, by Senator Larkin, Senate Print 2602A, an act to amend the Retirement and Social Security Law, in relation to retirement eligibility.

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, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1268, by the Assembly Committee on Rules, Assembly Print Number 8099, an act to amend the Civil Service Law, in relation to independent hearing officers.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1272, by Senator Robach, Senate Print 3201A, an act to amend the Retirement and Social Security Law, in relation to creditable service.

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, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1285, by Senator Maltese, Senate Print 6223, an act to amend the Administrative Code of the City of New York and the Retirement and Social Security Law, in relation to including.

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

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, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

1287, by Senator Robach, Senate Print 6368A, an act to amend the Civil Service Law, in relation to the reassignment.

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, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1299, by Senator Mendez, Senate Print 7291, an act to amend the Administrative Code of the City of New York and the Education Law, in relation to retired members.

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, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1307, by Senator Rath, Senate Print 7265, an act to amend the Social Services Law, in relation to providing.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1321, by Member of the Assembly DiNapoli, Assembly Print Number 10052, an act to --

SENATOR MALTESE: Lay that aside for the day, please.

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

THE SECRETARY: Calendar Number

1325, by Senator Johnson, Senate Print 7216, an act to amend the Environmental Conservation Law, in relation to marine commercial licenses.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1326, by Senator Johnson, Senate Print 7217, an act to amend the Environmental Conservation Law, in relation to catch and release fishing.

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, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1327, by Senator Marcellino, Senate Print 7241, an act to amend the Environmental Conservation Law, in relation to the authority of the Department of Environmental Conservation.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect October 1, 2004.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1331, by Member of the Assembly Canestrari, Assembly Print Number 6256B, an act in relation to permitting the Albany Port District Commission.

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, 48. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1456, by Senator Balboni, Senate Print 7315, an act to amend the Patriot Plan, in relation to extending the applicability.

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, 49.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

1457, by Senator Golden, Senate Print 7319, an act to amend the Executive Law, in relation to requiring information.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1470, by the Assembly Committee on Rules, Assembly Print Number 8952A, an act to authorizing the Commissioner of General Services to sell and convey.

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, 50.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bonacic.

SENATOR BONACIC: On an unrelated matter, now that my students have left the chambers, I was never a valedictorian. One member misspoke.

And I wanted to make sure the record -- I was a good student, a good athlete, but not a valedictorian.

(Laughter.)

ACTING PRESIDENT MEIER: Before I rule Senator Bonacic out of order, would anyone else like to make a confession?

(Laughter.)

ACTING PRESIDENT MEIER: Senator Morahan, that completes the noncontroversial reading of the calendar.

Senator Duane, why do you rise?

SENATOR DUANE: Thank you, Mr. President. If I may have unanimous consent to be recorded in the negative on Calendar Number 559.

ACTING PRESIDENT MEIER: Without

objection, Senator Duane will be recorded in the negative on Calendar 559.

SENATOR DUANE: And had I been a valedictorian, I would not have missed that one.

ACTING PRESIDENT MEIER: Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President. Can we now have the controversial reading of the calendar, please.

ACTING PRESIDENT MEIER: The Secretary will conduct the controversial reading of the calendar.

THE SECRETARY: Calendar Number 95, by Member of the Assembly Sanders, Assembly Print Number 1892A, an act to amend the Education Law, in relation to attendance.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. Very briefly on the bill.

This piece of legislation seeks to amend the Education Law to allow all school districts the power to require that students attend school at least until the end of the

school year in which they turn 17.

Current law only allows all the school districts in the state to require that students attend until the end of the school year in which they turn 16. And this is a bill in recognition of the fact that there are needs, sometimes, for students to remain in school longer.

But as we head towards the end of session and we head towards a budget which we will pass someday, we are going to be engaged in an ongoing basis in the discussion -- and we had one of them on Monday -- on issues related to the Campaign for Fiscal Equity case.

And in regard to students staying in school longer than we would like, perhaps, or taking extra time to graduate, I would just like to point out to all of my colleagues another finding of the court in the CFE case. Only 50 percent of the students in New York City high schools graduate in four years. Fifty percent. And 30 percent of them do not graduate by the age of 21.

Once again, evidence that we have a

systemic failure in the City of New York far beyond anything that exists anywhere else in the state. And that we all want good schools in all communities for all of our students.

But I bring this to your attention, once again, as we move forward, as Senator Kuhl has with this bill to enable school districts to address problems. We have to provide the reforms and the resources to enable the City of New York to end a system in which only 50 percent of our students graduate in four years.

I am voting yes for this bill, Mr. President. And I hope that we will address all of these issues before the session is out.

Thank you.

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: I'm going to vote yes for this bill, but I just want to make clear that maybe in the negotiations there could be some discussion about this issue that it just talks about school districts having the ability to require students to continue education until age 17.

I would hope that there would be some standard added to the bill, because if a person's able to finish school early, there's nothing in this bill that wouldn't cause -- there's something in the bill that might cause confusion as to whether that student can get out early because they've already completed the grade work, the classwork.

The intent is clear, I think, that it's for people who don't have the high school education while they're -- while they're age 16 and they're let to go out of school and they never graduate, and then they're at an academic disadvantage or at a disadvantage the rest of their lives.

But there should be a clarification that if you've completed your studies, that discretion of the school district to keep you on until you're 17 should not be allowed.

I vote yes.

ACTING PRESIDENT MEIER: Senator González.

SENATOR GONZALEZ: Yes, Mr. President.

As Senator Schneiderman has stated

with the statistics, I think that part of the statistics that the kids don't graduate -- but I expect the kids to graduate from the Raul Julia Middle School up in the Bronx who are here today. And those statistics will not be set forth because they are working hard so that they can graduate and with their parents be proud and I will be proud of them.

So those statistics, we're working hard not to have that happen, and I vote yes on this.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48. Nays, 2. Senators LaValle and Wright recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Morahan.

SENATOR MORAHAN: Yes, thank you,

Mr. President. Would you please recognize Senator Saland.

ACTING PRESIDENT MEIER: Senator Saland.

SENATOR SALAND: Mr. President, I request unanimous consent to be recorded in the negative on Calendar 867, Senate 6219A.

ACTING PRESIDENT MEIER: Without objection, Senator Saland will be recorded in the negative on Calendar 867.

Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President. If you'll continue in regular order of the controversial calendar.

ACTING PRESIDENT MEIER: The Secretary will continue to read in regular order.

THE SECRETARY: Calendar Number 856, by Senator Volker, Senate Print 5563A, an act to enact the Criminal Procedure Law Reform Act of 2004.

SENATOR HASSELL-THOMPSON: Explanation.

ACTING PRESIDENT MEIER: Senator Volker, Senator Hassell-Thompson has requested

an explanation of --

SENATOR VOLKER: Yes, she's tough. She is tough, I'll tell you.

Mr. President, this bill has been around for a few years. It -- you'll notice it was amended. It was amended to go from the Criminal Procedure Law Reform Act of 2003 to the Criminal Procedure Law Reform Act of 2004.

So that explains the amendment. There isn't any major change in the last few years.

This is a bill that deals with, I happen to believe, if you're not a defense attorney, a lot of common-sense changes in the law where the New York Court of Appeals -- that has begun developing a reputation for decisions that are out of line with most of the rest of the country, frankly, in defense, in many cases, of violent criminals.

And I say that with some trepidation, because I realize, and I did defense work myself, that if you're a defense attorney, you're looking for absolutely everything you can find, everything technicality possible, to allow your client to

escape the fact that he's guilty.

And if you really look at these provisions here, one that relates to the right of a defendant to be at every phase of the trial, including the voir dire before the case, to -- as one judge said, it means that you have to -- if there's any questioning that goes on in the robing room with the judge, then technically, under the present New York law, the defendant should be there to listen to any such conversation.

Another piece of this bill says that -- and it relates, primarily, to the issue of lineups. And there's always been a lot of question about lineups, because they create a huge problem for a defense attorney. And I'm the first to admit it. I prosecuted some cases or helped prosecute cases and also defended them.

And what this bill basically says is that if you identify someone, a witness identifies someone in a lineup -- and in some cases it will be years later before the case comes to trial. And in one case that I had, it was 4½ years before the second trial. And

the defendant looked entirely different in 4½ years, partly because he had been in federal prison for a while and he didn't look very well. He had a beard and so forth.

What I'm saying is that evidence of a prior identification, when you think of it, should certainly be allowed in.

Another piece of this bill says that if a defendant -- in one case here, a defendant made a statement at the time of his lineup, the time that he was identified at the lineup. The prosecution forgot to include it in their 15-day notification period requirement. And later on, because of that, all the evidence in the lineup was excluded.

What this bill would say is that if you find out you have not given certain evidence, as long as it doesn't go to the heart of the case, that a 15-day period then could be allowed when you realize that it was not done.

Keeping up with that, later on, if a person is convicted and that technicality is found out later on, the judge on appeal can look at the issue in terms of whether the

exclusion of certain evidence or the failure to notify went to the heart of the case and whether the error was a good-faith error or, as it's called, a bad-faith error. And the entire case wouldn't be thrown out because of technical violations that really didn't prejudice the case anyways.

In other words, if the evidence would not have been inalterably impacted by either the exclusion of such evidence or the inclusion of such evidence or the mistake that was made by the prosecutor, then, in keeping with the federal rule and most of the country, the Court of Appeals will be precluded from using that as an excuse for throwing out a case.

One of the other issues is the issue of the appeal of preclusion orders. Now, this sounds all very technical. But what it basically means is that if the preclusion of certain evidence does not allow, in many cases, the prosecution to move forward, the prosecution would absolutely have the right to an appeal to at least be able to challenge the judge's ruling, so that the case could move

forward.

Rather than the present situation, where in many cases the prosecution is unable to move forward because the evidence has been precluded.

Basically that. And although there's a couple of other inflections, that is basically what the procedure act -- which, by the way, at one point, years back, included several other provisions which have been removed, one of which was removed because it became law. And so that's basically it.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you. Through you, Mr. President, if the sponsor would yield for a question.

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

SENATOR VOLKER: Certainly.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SCHNEIDERMAN: Thank you.

In connection with the issue of identification of a defendant, I just want to

clarify something that I believe would be possible if this bill were to become law.

Does this legislation in fact provide that a third party, someone other than the person who did the original identification, could testify that the identification took place?

SENATOR VOLKER: It is possible, yes. I think I know what you mean.

One of the interesting issues is when one of the witnesses dies who has made the identification in a statement or whatever, and a third party was there -- and you are right, and I'm the first to admit that. What we're trying to do here is to, in the interests of justice, to allow certain evidence in.

Now, remembering that the judge always has the right in a criminal case, in the interests of justice, to exclude such evidence if the evidence for one reason or another doesn't follow the usual train of evidentiary thought.

I realize, by the way, that any defense attorney worth his salt wants to have

a face-to-face confrontation. But in certain cases, that can't be done. And in certain cases it's the defendant's -- it's because of the defendant's challenges and things of that nature that it doesn't happen.

So what you say is true. I believe that that could happen.

SENATOR SCHNEIDERMAN: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I'd like to thank the sponsor once again for his explanation of this legislation.

I hope that we will move along and have different Criminal Procedure Acts to discuss in the future, since this is starting to move into the oldie-but-goodie status of one-house bills.

The problem that I just raised with the sponsor is, I think, a fundamental problem that many of us have with this legislation. This bill, in essence, allows someone to say: Well, there was a lineup and Senator Hassell-Thompson identified Dale Volker as the

perpetrator, but later at the trial to have a third-party person -- as I happened to be driving with Senator Hassell-Thompson that day -- that I could testify, even though I never was a witness to the crime: Oh, yes, Senator Hassell-Thompson identified Dale Volker as the perpetrator.

No ability to cross-examine the person who did the actual identification. And we know, and I know from my own experience as a lawyer, people think, oh, you have an eyewitness. There is nothing shakier than a case based on eyewitness testimony in many circumstances. We have seen a lot of people who were convicted based on eyewitness testimony who have been exonerated with DNA evidence and through other means in recent years.

Eyewitness identification is very powerful with a jury, extremely powerful with a jury. But people make many, many mistakes. And there have been many cases of false identification. And, you know, astonishingly so. People who are absolutely certain that they identified a person and in fact were

wrong.

So the ability to have a chance for the jury to assess the credibility of the identifier, to have an opportunity for cross-examination, I think is critical.

I would also suggest -- and I think this was suggested in a prior year's debate -- that with our modern ability to videotape, perhaps we can avoid this problem altogether. If you want to videotape the identification, that could be preserved and then the jury can assess for themselves. I mean, what were the circumstances of the lineup, how did it happen.

In fact, it may be that the requirement to videotape lineups could remedy a host of problems that people either -- that either do take place or that people certainly believe do take place with regard to lineups.

So that's one reason and a reason enough to vote against this bill, which I certainly intend to do, as I have in the past.

The other question for the need for defendants to be present at every phase of a trial, including, as Senator Volker referred

to, the voir dire -- there are some lawyers who essentially use the voir dire as their opening argument. I mean, there are circumstances under which what goes on at the voir dire could be very, very important to the case.

And we're in a period of time in our society with the evolution of DNA evidence, people being exonerated for crimes that they were convicted of, where there's a lot of doubt about the criminal justice system.

And, frankly, there's a lot of doubt about whether or not there are racial and ethnic prejudices that pervade the system so that some people get less fair treatment than others. There certainly is a growing sense that there is a class bias in the criminal justice system. Those who can afford fancy lawyers certainly get a very different type of justice than those who cannot.

And I think in those circumstances it is more important than ever that defendants be allowed to be present so they can at least see what's happening and not be convicted with

the belief that their lawyer sold them out, that they weren't allowed to be there, they weren't allowed to watch, they didn't know what happened, and all of a sudden they believe they're convicted unfairly.

Finally, I would say that there are some small number of circumstances in which what are referred to as technicalities -- but to some of us are fundamental due-process rights -- result in guilty people going free. But the wisdom of our founding fathers and mothers, and the wisdom of our constitution, federal and state, is that we are a lot better off having a very small number of guilty people go free in order to prevent the unspeakable horror of an innocent person being convicted.

And I'm willing to make some sacrifices for that, and I think a lot of us are. And a lot of us believe that that's what we fight for when we're fighting for the flag and the Constitution of the United States, is that fundamental sense of freedom and justice.

We have to put the government to their test. And prosecutors, like defense

lawyers, are capable of abusing whatever possible limits there are.

And I would note, in fact, that when you're talking about giving prosecutors rights to appeal preclusion orders, we've seen very recently someone we know well who was really worn down by prosecutorial activity that just went on and on and on and forced him to spend a tremendous amount of money and borrow money. And those kinds of abuses are possible also.

So I vote no. I think we can come up with better ways to amend the Criminal Procedure Law. I appreciate Senator Volker's tireless efforts to address the problems in the system. I don't think this bill addresses them in a way that we really should be.

And I encourage everyone else to vote no in the hopes that we will come up with some other formulation of these reforms, perhaps not this year but perhaps before we have to see this reprinted as the Criminal Justice Reform Act of 2005.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator

Volker.

SENATOR VOLKER: Very briefly.

You know, I agree with most of what you said, Senator. However, I don't agree with the end result.

Let me just say something. And you're absolutely right about the case that you were talking about. Although, remember, it never went to trial. And with all the procedure that was done and the bankrupting of the defendant and all that sort of stuff, quite obviously that was, in my opinion, prosecutorial misconduct. But that's beside the point on this situation.

Remember one thing. I happen to agree with you that sometimes the guilty go free because of improper practices and things of that nature. But the law should not be in the situation -- and by the way, these people that are going free here are virtually all minorities. Which is fine. And many would say that it's more likely that they're going to go free, especially in the city, than caucasians. And I think that's true, by the way, the way the law has turned out in the

last few years.

But be that as it may, remember that the people who are going free here, who have been, all of them, been judged guilty, are criminals. These are people that victimized, in some cases murdered innocent people, many of whom were minorities.

And the problem with justice is that you really have to be careful with how you deal with these issues of justice. I totally agree with you that certain people, even though they were guilty, in the interests of fairness and justice have to go free. It's our system.

But I think sometimes that we overdo the issue of justice. Justice means that people get their due, as a general rule. And if people get their due and because of some minor frailty -- for instance, the defendant doesn't happen to be there at every phase of the prosecution because of their own negligence or their own choice -- then it seems to me it's just unjust.

And I believe in judicial discretion. So I think we should allow a

judge to then look at that situation and not be locked into a rule that says that people virtually automatically go free because there was some sort of a minor problem. And if a judge thinks that problem is more major than it appears, then he has the right to rule in favor of the defendant.

So all I can say to you, Eric, I agree with you that these are tough things on defense attorneys, because they're outs. And we in many ways would rather not do outs. But, on the other hand, remember that these are innocent victims who were victimized by these people who committed these crimes and went off and were freed.

THE PRESIDENT: Does any other Senator wish to be heard on this bill?

Then the debate is closed.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 856 are

Senators Connor, Duane, Hassell-Thompson, Paterson, Schneiderman, and Stavisky. Ayes, 46. Nays, 6.

THE PRESIDENT: The bill is passed.

Senator LaValle.

SENATOR LaVALLE: Madam President, may I have unanimous consent to be recorded in the negative on Calendar Number 1325.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Duane.

SENATOR DUANE: Madam President, if I may also be recorded in the negative with unanimous consent on Calendar Number 1325.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

SENATOR CONNOR: Madam President.

THE PRESIDENT: Senator Connor.

SENATOR CONNOR: Thank you, Madam President. May I have unanimous consent to be recorded in the negative on Calendar Number

559.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Balboni.

SENATOR BALBONI: Madam President, I request unanimous consent to be recorded in the negative on Calendar Number 1325.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Ada Smith.

SENATOR ADA SMITH: Madam President, I request unanimous consent to be recorded in the negative on Calendar Number 856, Senate Print Number 5563A.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Schneiderman, I think you've been standing for a while.

SENATOR SCHNEIDERMAN: Oh, thank you, Madam President. Although I'm very comfortable.

I would request unanimous consent to be recorded in the negative on Calendar 559.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President. I'd like unanimous consent to be recorded in the negative on Calendar Number 95, Senate Print 1487.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Little.

SENATOR LITTLE: Thank you, Madam President. I would request unanimous consent to be recorded in the negative on Calendar Number 95, Senate Bill 1487, and Calendar Number 867, Senate Bill 6219A.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Bruno.

SENATOR BRUNO: Madam President,

I believe that there is a privileged resolution at the desk that I and others have sponsored. I would ask that it be read in its entirety at this time and we move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senators Bruno and Maltese, Legislative Resolution Number 5477, paying tribute to the distinguished and remarkable life of Ronald Wilson Reagan, the 40th President of the United States of America.

"WHEREAS, It is with profound sorrow that this Legislative Body, representing the people of the State of New York, is moved this day to pay tribute to an eminent gentleman of indomitable faith and dedication whose purposeful life and accomplishments will forever stand as a paradigm and inspiration for others; and

"WHEREAS, Ronald Wilson Reagan, a former film star and America's 40th president, died Saturday June 5, 2004, in Los Angeles, at the age of 93, living longer than any United

States president; and

"WHEREAS, Ronald Reagan spent his final years coping with Alzheimer's disease. In 1994, he touched the hearts of Americans when, in a handwritten letter, he let it be known he was suffering from the illness, a step very much in keeping with the way he lived his life and which helped millions of Americans by increasing awareness of this debilitating disease; and

"WHEREAS, Ronald Reagan worked throughout his life serving freedom and advancing the public good, while serving in many capacities, including as an entertainer, union leader, corporate spokesman, Governor of California, and President of the United States; and

"WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America. In his second term, he earned the confidence of three-fifths of the electorate and was victorious in 49 of the 50 states in the general election -- a record unsurpassed in the history of American presidential

elections; and

"WHEREAS, In 1981, when Ronald Reagan was inaugurated president, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

"WHEREAS, During Mr. Reagan's presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which led to an unprecedented economic expansion and opportunity for millions of Americans; and

"WHEREAS, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

"WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's armed forces to win the Gulf War; and

"WHEREAS, President Reagan's vision of 'peace through strength' led to the end of the Cold War and the ultimate demise of the

Soviet Union, guaranteeing basic human rights for millions of people; and

"WHEREAS, Ronald Reagan was born in Tampico, Illinois, on February 6, 1911, to John Edward Reagan and Nellie Wilson Reagan; and

"WHEREAS, Ronald Reagan graduated from Eureka College with a degree in economics and sociology. A scholarship winner who worked summers as a lifeguard, he was also the president of his class, an outstanding athlete who earned three varsity letters, and the star of most of the campus plays; and

"WHEREAS, After graduation, Ronald Reagan auditioned to be a radio sportscaster in Davenport, Iowa. He was quickly hired and went under the name 'Dutch' Reagan; and

"WHEREAS, In 1937, Ronald Reagan visited Hollywood and took a screen test with Warner Brothers; the studio signed him and his first role was as a sportscaster in 'Love is in the Air.' That was the first of eight B movies he appeared in during his first year before being promoted to feature films and fame as George Gipp, the doomed football star

in 'Knute Rockne, All American'; and

"WHEREAS, The movie became famous for the line 'Win one for the Gipper,' a line Ronald Reagan later adopted in his political career; and

"WHEREAS, In 1940, Ronald Reagan married actress Jane Wyman. They had a daughter, Maureen, and adopted a son, Michael. The marriage ended in divorce in 1948, after he became active as a member of the Screen Actors Guild board of directors. He became known as a man who loved to take the floor and later earned the nickname 'The Great Communicator'; and

"WHEREAS, In 1952, Ronald Reagan married actress Nancy Davis. She became both his wife and his political partner and advisor. Together they had two children, Patricia and Ronald, Jr.; and

"WHEREAS, For the next ten years, Ronald Reagan discovered his talent in front of the television camera and spent eight years as a host and occasional performer on General Electric Theater and as a national spokesman for General Electric; and

"WHEREAS, Ronald Reagan made a dramatic debut in national politics in 1964, which led to his election as Governor of California and ultimately two terms as President of the United States; and

"WHEREAS, The sincere condolences of this Legislative Body are offered in great respect and loving honor to Ronald Wilson Reagan's family. He is survived by his wife, Nancy; his children, Patricia 'Patti' Davis, Ronald, Jr., and Michael; and his grandchildren Rita, Cameron and Ashley; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations in a moment of silent tribute to Ronald Wilson Reagan; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the family of Ronald Wilson Reagan, the Ronald Reagan Presidential Library and Museum, the Ronald Reagan Presidential Foundation, the Office of Ronald Reagan, and the Reagan Alumni Group."

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President and colleagues.

You have heard a resolution that took several minutes to read and review about the life of a great man, a great, great man. Great American, patriot. But a great man, just a great person.

This week we've all been reflecting, and really for a lot of years, on Ronald Reagan the man. The president. The Governor. Labor leader. The actor.

All of us get affected in different ways by circumstances and by people. Well, I don't know about you, but with me, in my life, Abraham Lincoln has sort of been like the president, the leader in bygone days. Ronald Reagan, in my life, was the greatest inspiration that I've ever had.

And I was reflecting, with all of this, when I first saw Ronald Reagan. It was in Glens Falls, New York, where I lived, at the Queensbury Hotel. He was on tour for GE. He was touring the country, delivering their message. And I remember I was in an audience with several hundred people. And I was

probably from here to where Madam President is presiding.

And I watched him all through the meal. He was an after-dinner speaker. And I watched people go up to him. He was then a pretty successful guy, known, you know, throughout the country. He was a celebrity. But I watched him interact with people.

Now, I was -- you'll probably find this hard to believe -- 30 years old. I was 30 once in my life, yeah. Somewhere. I was, you might say, impressionable. I hadn't given a thought to be in politics. I was struggling, just trying to earn a living. And my recollection is I was in sales. And I watched him, and I remember watching -- he had a handkerchief sticking out here, dapper, handsome, charismatic. And it just exuded in a natural way.

And when he was introduced and got up to speak, I observed that he wasn't casual. He didn't take anything for granted. You could tell that he was on. It was his moment. You know, he kind of went like this [straightening tie], and he touched -- I

almost felt, at my age, he looked nervous.

Now, I don't believe that he was the least bit nervous. I believe that he is such a great communicator that he wasn't casual, he wasn't anything other than right on his toes, ready to deliver a message.

I sat there; he talked for probably 15, 20 minutes. And I remember when he stopped talking, unlike most of you in the chamber, I was sad. I was unhappy. Most of the time when you listen to someone speak, you can't wait for them to sit down. Not always.

But you know what I'm saying? I could have listened to him, because he talked about all of the things that were important in people's lives. But he did it in such a real, real fashion.

And what I noticed about him then, which I never forgot -- because when he finished talking, he got a standing ovation, I worked my way up through the crowd and I shook hands with him. And, you know, the whole thing was like five, ten seconds. But he had a twinkle in his eye, and he looked you directly in the eye so that you felt truly

like you made contact.

Now, that's what was special about this man as a man, as a communicator, in all of the roles that he played. There was nothing phoney about him. He was real. You think about it. On his ranch, in life, a union leader, he was a man, a person. Wanted to change the world, wanted to do things.

In my mind, Abraham Lincoln and Ronald Reagan changed this world, changed our world here in this country, in all the positive ways that -- to our benefit. And you can debate Reaganomics and trickle-down and you can be pro or con. But nobody can ever debate the sincerity, what this man did, what he accomplished, what he overcame in a very difficult, challenging time and business.

So we can reflect on his life now, each and every one of us, because we are in challenging times now and we have to provide leadership through these challenging times. And whether it's worldwide with what's going on in this country, some of the other countries around the world, when we reflect on his life -- overcoming communism, providing

the leadership that he provided in so many different ways. How? How? By communicating with sincerity.

And that is a key in all of our lives, that we be sincere, sincere with ourselves, with our constituency. And that's the lesson that I learned from Ronald Reagan.

I saw him as president a couple of times -- again, for seconds, in receptions -- and he never was any different. He just made you feel real, like a person, not that he was talking down, looking down. That's a gift. And that's a gift that all of us can relate to in our lives, as you're out there with people who look to you for leadership and the way you, I, relate to people. That's a lesson that we have to learn from Ronald Reagan in our lives.

And when he found that he had what would be a terminal disease where he was going to be totally incapacitated, did he hide? Did he whimper? He shared with the world what his life was like, and in his famous line that he was approaching the sunset of his life.

Now, how profound. And he lived

those first years in the sunset recognizing when he could, writing when he could. But being a man, being a husband, being a father, being a president of all of the people here in the United States.

So I was blessed for having been exposed to him in a personal way, and I was blessed that he provided such an inspiration to me in my life that I ended up with a dream and a vision that I someday would be in elective office. I don't remember thinking that I might like to be president someday. But who knows? Time passes, and who knows.

He was 73 when he was elected president. Think about that for achievement and accomplishment.

So I know a lot of you have your own thoughts and you want to verbalize them. But I have just had a feeling right here and in my heart all of these years, as he has been languishing with the ailment that he's had, and now we reflect on all of the great things this great American did.

Thank you, Madam President.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Thank you, Madam President. And Mr. Leader, for that quite informative eulogy to the former president.

The two things I'll probably remember most is that I never knew that former President Reagan, before he was president, had traveled around the country for GE. And I also didn't know that the leader was leaving the door open to being a national candidate in a few years.

I first remember Ronald Reagan when I was 8 or 9 years old. I was a big sports fan, and he was the star of a movie, "The Grover Cleveland Alexander Story." And I must have watched that movie ten times. So he was one of my heroes in those days. He played the role of the pitcher who comes back after illness and helps the St. Louis Cardinals win the 1926 World Series.

As I got older, I would learn that Ronald Reagan in 1932 was a broadcaster for the Chicago Cubs, along with a famous broadcaster named Bert Wilson. And he once said that he could have stayed right there and

been a broadcaster for baseball for the rest of his life. And speaking for all the members of this conference, and Democrats all around the country, we really wish he had done that.

(Laughter.)

SENATOR PATERSON: The next time I remembered seeing Ronald Reagan was in 1964, when he did a commercial for Barry Goldwater, who was the presidential candidate that year, and he let America see his temper. He was one angry individual about the Democrats' commercials and the way that Barry Goldwater was being portrayed as an angry, antagonistic figure.

And inadvertently I think Ronald Reagan, who would go on to become governor, thought that perhaps he had played into that himself by showing his anger in the media.

Now, what was interesting around that time is that there was actually a comedy album that was released portraying what it would be like if Ronald Reagan ever became president. That was considered sort of abject humor at that particular time.

But he would go on to become

Governor of California and of course President of the United States. And he made an adjustment, and the adjustment was that he realized that those who established and avowed the same political ideology that he did were coming across in a way that really connoted reciting the bill of particulars for what they believed was wrong with America at the time, and for doing it in a way that came across almost arrogantly or in some ways hostilely.

And so President Reagan made an adjustment, and he reached to that communicating part of his personality -- it was one thing that he was a great communicator; it was another thing that he knew the value of communication.

And I remember watching him in 1980 running for president in the presidential debates. At that time President Carter wouldn't debate, so Ronald Reagan debated Senator John Anderson. And in those debates, I watched him and I just had this feeling that I knew how this election was going to end. And I was right about that.

And at the time, having a different

point of view, I had a different feeling about whether that was good for America. But I certainly could not take away that gift of his.

And it's always interesting when we tend to mimic the character and the conduct of people who we actually don't agree with but we respect and admire the way they present themselves. And that was how I always felt about President Reagan.

Just a few months after he was inaugurated, at the end of March, he was shot in Washington, D.C. And when he was taken to the hospital and they got his wife on the phone, he offered the famous rendition from the movie, and he said: "Honey, I forgot to duck."

That was actually taken by the national media and a lot of political figures to be negative, that why would he make light of the fact that he was shot. But that's not what he was doing. He was trying to put the country at ease. He was trying not to let people become hysterical over the fact that there had been yet another attempted

assassination of a president.

Remember, 18 years earlier, the president was murdered. And then, within five years of that incident, there had been two attempts on the president when the president was Gerald Ford. So this was the fourth attempted shooting of a president in nearly twenty years.

What he wanted to do was to establish comfort for the rest of the country. And isn't it wonderful that this man, lying in a hospital, wounded by a bullet, still has quicker and sharper reactions than all of the prognosticators and the consultants and the analyzers of American conduct.

And I guess that's why Senator Bruno said it's a gift. Because apparently President Reagan didn't have to think before he did these things; he had an instant reaction that was timely and was what the country needed.

The same year, he would go on to pass the largest tax cut in the country's history, a $750 million tax cut that friends of mine opposed very vigorously. But within a

couple of years of that tax cut, the national debt actually doubled and the national savings was dwindled. President Reagan had the ability to change the course. He created revenue enhancers just a couple of years later that in many ways generated more revenues per capita than the Clinton tax increase of 1993.

The point isn't whether or not you agree with it. The point isn't even whether or not it's right. It was that with all of his greatness, he still understood his humanity and he still understood his own imperfections. He'd actually make fun of them. Remember when he made fun of his own age in the presidential debate and said he wouldn't let his opponent's youth be held against him?

And the point about President Reagan was that he had that ability to, in many ways, act in a way that you would consider to be genius. But then, as Senator Bruno said, that when he met him he made everyone feel as if he was no better than they were.

People say that he didn't change

his philosophy. His intervention in Reykjavik in 1986 would belie that. This was a person who thought about what he was doing, and this was a person who had a sense of himself that was so confident that he would trust himself at times just to react to things.

And whatever your ideology is, you have to admire the few people that come along who touch us in our lives who have that great ability that is so needed in our society right now.

It's amazing how we, as much as we in public service, are still affected by the greatness of leadership ourselves, as the Majority Leader talked about Abraham Lincoln and, in his life, Ronald Reagan.

And certainly the decorum that he displayed is something that really as much as on perhaps a short list of three of people I've observed, is something that's in me. I sort of try in my own way to be like him. I just don't try to vote like him, but I really try to be like him.

Because it is that indomitable spirit that we're all really paying homage to

today. And the grace with which he actually left office, the manner in which he treated other people, even his adversaries, I think will be celebrated for decades. He is probably one of the ten American presidents that will be best remembered, no matter how many presidents our union elects.

It was a memory I have in 1986, my first year in the Senate, when we had to cancel session on January 28th because of the shuttle disaster. And that night, President Reagan went on television and spoke to the nation. And that was when he talked about "peering through the galaxy to touch the face of God." I thought it was one of the most poignant and touching moments of my life.

And no matter how you thought on the lower frequencies, the political differences that we have, you know that all the families and the family of America and people around the world had to feel nurtured by this great man, just him sitting in front of a camera communicating with us.

I hope that as much as celebrating him, and not using this occasion for a sort of

harmonious grief, that we will pay more attention to his life, to his conduct, to the message that he conferred on America. And in our own differing ways, even as we don't always see eye to eye, that we will use that kind of example to raise the consciousness of our debate and interaction with each other. That's how we will remember him, and that would be the greatest gift we could receive from him.

Thank you again for your comments, Mr. Leader. And Madam President, thank you for allowing me to offer mine.

THE PRESIDENT: Senator Maltese.

SENATOR MALTESE: Madam President, first of all, I want to say that in addition to acknowledging so many debts of gratitude to President Ronald Wilson Reagan, I didn't realize until now that we also might owe a debt of gratitude to him for our Majority Leader entering political life.

I do want to also say that our Governor took absolutely the right step by declaring Friday a day of commemoration and mourning. I think those alleged conservatives

who would say that it's the wrong thing to do and Ronald Reagan would not have approved do not truly know Ronald Reagan. I think they're the grinches or the grouches of today.

I think this is a day that we that live at this time will long remember and will be long remembered in our history. I had the pleasure of reading a commentary this morning by former Mayor Ed Koch where he indicated that in his mind, President Reagan would be remembered in history as one of the most beloved and effective presidents.

I'd like to, first of all, as far as our distinguished Minority Leader, I want to say that I had the honor to serve as an elector in 1980 and 1984, and I knew his dad, Basil Paterson, slightly but came to know him even better at that time. He was a most hospitable host, making sure that all the electors were comfortable, acting as a host many times, seeing that all were tended to. And again, it's easy to see from whence he came as far as our Minority Leader is concerned, in that he also admired and respected Ronald Reagan.

I'd like to just say three very brief anecdotes. Because I was the chief operating officer of the state Conservative Party, we were -- early on, we were big supporters of Barry Goldwater and of course early supporters of Ronald Reagan. And because of that, I was in the company of President Reagan many, many times.

One particular time I think showed the self-effacing nature of the man. He was present with State Chairman Dan Mahoney, Kathleen Mahoney, his wife, and my wife, Constance. And he was telling us -- my wife happened to mention Errol Flynn, and he was telling us that he knew that Errol Flynn was taller than he was, and they had to apparently appear in some sort of press conference in connection with a movie they were filming. So it was outdoors, and he was surreptitiously kicking earth together to create a little mound so that when the time came for the camera shot, he was not only even to Errol Flynn but just a little bit taller.

And I remember in 1984 when Mondale picked Gerry Ferraro as his vice presidential

candidate, I, through the good offices of Senator D'Amato, emerged as the congressional candidate for the district where Gerry Ferraro ran. As I remember, Senator D'Amato said: "Don't you live in that district?" And I ended up running for Congress.

(Laughter.)

SENATOR MALTESE: But that particular seat was known as the Archie Bunker seat. And as a result, the combination between being known as the Archie Bunker seat and the fact that the vice presidential candidate was vacating the seat placed a lot of attention on the seat.

And I was one of a number of prospective congressmen or congressional candidates that were called to Washington, D.C. in '84 to pose with the President. It was a good number of us; I think in excess of twenty. And the idea was, as we know in politics, that you would file up the steps of the Capitol, say a brief word or two with President Reagan and shake his hand, take your picture and move on.

And we were in alphabetical order,

and the gentleman before me was Connie Mack, who was at that time running for congressman from Florida, the state of Florida. And so he got his place on the step, and I was next to him. So we would be efficiently moving forward, I guess they assigned maybe a big one or two minutes for each congressional candidate.

And when Connie Mack shook his hand and said, "Hi, Mr. President, I'm Connie Mack," that was it. The president said: "Connie Mack? The grandson of the Connie Mack? Wow, I've been meaning to talk to you. Do you have a souvenir for me?"

And lo and behold, Connie Mack had a baseball signed by his grandfather, Connie Mack, which he presented to the president.

Well, even at that time, in 1984, there were many that felt that the president was slipping. He was, as Senator Bruno has indicated, the oldest man ever to run for president. And that he had at that time, they were claiming, stages of Alzheimer's.

Well, for the next more than half an hour, the president stood on the steps and

regaled Connie and those of us standing nearby with his days as a radio announcer in Des Moines, Iowa, with the fact that he had been known as Dutch and could we picture him with blond hair, and that's why they had called him Dutch.

And the stories of Connie Mack, who was the -- I think he played for the Pittsburgh Pirates, but that was way before my time, and then he was the manager for the Philadelphia Athletics.

But he remembered plays that he had announced on the radio, he remembered the players, he remembered everything throughout. And as has been indicated, it was the '30s, and we were at that time in the '80s.

The last anecdote was he was constantly being portrayed as older. And Time magazine had done an absolutely terrible cover shot of the president, and showing him red-faced. It looked more like a Salvador Dali painting than a painting of the President.

And my wife had done a painting of the president for presentation at one of the

dinners. And Constance and I and I think Mike Long and Dan presented this painting to him. And as we presented it to him, he was literally jumping for joy. He was pointing to the painting, and Nancy was with him, and he said, "That's what I really look like, not that damn Time magazine cover!"

So as has been mentioned by the Minority Leader, certainly the measure of the man was that episode, March 30th of 1981, when he was shot. He insisted on the walking into the hospital himself, on his own two feet, did not wish to be assisted, although he collapsed as soon as he got into the hospital.

And in addition to the famous line "I forgot to duck," I think another one that heartened the nation was, "I hope the surgeon is a Republican."

This certainly was a man bigger than life, larger than life. I know what I watched was, of course, over and over again, as he was at the Berlin Wall and when he stated those famous words: "Mr. Gorbachev, tear down this wall!" And that, of course, as we know, led to the ultimate collapse of the

"evil empire." And it was indeed an evil empire.

And people may conjecture the cast of characters, whether it would have changed or not. But thank God he was in the right place, the right man in the right place at the right time. And as a result, we removed the threat of nuclear annihilation from our children, our grandchildren, and the world is a much better place now. We emerged as the sole superpower, and I think recent events have certainly indicated that we are using that power wisely.

So Ronald Wilson Reagan, you, I am positive, will emerge as one of the greatest presidents of all time, certainly the greatest president in my lifetime.

And I am proud to second this resolution to memorialize and remember Ronald Wilson Reagan.

THE PRESIDENT: Senator Balboni.

SENATOR BALBONI: Madam President, personal experiences and lessons learned.

Many of us in this chamber, I'm

sure, have had the brushes with greatness of an amazing man and president. Mine is one seen through the eyes of my father. My father was involved in the Rotary and traveled around the world providing medical care to the underprivileged in places like Uganda and in Korea and Costa Rica.

On one trip, when he first went -- and it was a brand-new program -- they brought back three children from Korea. And in South Korea they did not have the ability to take care of these children with heart abnormalities. And they could be treated with some of the simplest technology we had in this nation.

Well, the president of the United States, Ronald Reagan, and his wife, Nancy, took these three children on Air Force One, flew them into New York, and then Mrs. Reagan personally brought the children to St. Francis Hospital, to my father's care, in Roslyn, New York.

She actually called the house one day and that was a great source of amusement, because, you know, pick up the phone, it's the

White House on the phone. Yeah, sure it is. At that time we were playing phone pranks on everybody, and we figured it was a phone prank. And then my father got a little anxious that no, it really was the First Lady.

And then he took his brother-in-law and his sister from Rome to the White House and was entertained by the president.

And his remarkable gift was to make sure that you understood that you were important. Here's the President of the United States, and he really focused on that.

And then the lessons learned. I don't know about all of you, but following up on Serph's comments, I remember very, very vividly when the President of the United States said the words "Evil Empire," that I was frightened, I was truly frightened that this was going to be the start of an armed conflict with this massive enemy, the Soviet Union, that was going to wind up in the destruction of our society and our civilization.

And yet the lesson should be learned, you know, leadership is hard. You

are always second-guessed. It's never a popular thing to do. If it were popular, anyone could do it.

Ronald Reagan proved appeasement doesn't work, peace through strength, the ability to look your enemy in the eye and say: You will not defeat us. Very challenging times. Something we should remember today.

God bless him.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Madam President and my colleagues, I too would like to say a few words about Ronald Reagan, President Reagan.

I think I was perhaps one of the first Senators -- certainly Fred Eckert and I met with Ronald Reagan's advocates before he was the candidate for president, and we always had a relationship over the years. Through the American Legislative Exchange Council, we met with President Reagan many times. And after he was elected, of course.

We got him elected, thank God, because the country was in such a depressed state at that time. The Iranians had our

captives there. You know, we had gone through the oil crisis with Jimmy Carter. There was no strong leadership. The Cold War was at its intensity. The communists were working their way up the isthmus -- Nicaragua, Guatemala, El Salvador.

And at that time we had one of our meetings with the president, myself and several members of our executive board of the American Legislative Exchange Council had a private meeting with him, and he assured us that he knew the situation and the situation was going to be resolved and the communists were not coming up through Central America to Mexico and causing all sorts of trouble in our hemisphere, he would take care of that. And the famous Iran-Contra is what took care of that.

And the president really -- he knew what was going on, he knew how to handle it, he was very much in control. He restored my faith and the faith of many people in America and the future that we had and that we would prevail in this struggle of ideology worldwide. And we did prevail.

And God bless him and his family. And I think I'll never see another president like him. But I'm certainly glad that he lived, for my sake, for my satisfaction, for all of our satisfaction, for the future of America and indeed for the future of the world.

So I'd like to add my second, third, fourth or whatever endorsement to this resolution. Thank you.

THE PRESIDENT: Senator Meier.

SENATOR MEIER: Thank you, Madam President.

I guess there's an entire generation of us who entered public service just about the time that President Reagan was president. And for many of us, he really was an inspiration.

In reflecting on it personally, in terms of the way I looked at him, there were a number of great gifts that this man brought to the presidency, to the country and to those of us who were inspired by him.

As a Republican who -- and this may surprise some of you -- leans a little bit to

the conservative side, I was inspired by the fact that he changed the whole idea of what being a conservative was all about. Being a conservative politically in this country used to be regarded as sort of the political equivalent of telling people to eat their spinach.

And Ronald Reagan stressed the positive side of being a conservative Republican, the idea that being a conservative involved having a deep faith in the ability of individual people to run their own lives and make their own decisions.

Ronald Reagan was a politician who never needed an image-maker. Senator Bruno said this was a man who carried himself well, who was serenely comfortable with who he was and how he conducted himself. He was also a politician who didn't need a pollster to tell him what he believed. He had deep-held convictions, and he lived them out.

He was also someone, though, who brought to public life something that I think we sorely lack today on many parts of the political stage. Although he had certain

convictions he would never violate, he also was once quoted as saying: "I would rather get half a loaf than go over the cliff with the flag flying."

And he was also somebody who always conducted himself in his political life without departing from civility and from basic kindness and basic respect for those who opposed him.

Two things in his own words that I'd like to close with. One was a sign that he had behind his desk on the credenza in the Oval Office. It said: "There is no limit to what a man can accomplish if he doesn't mind who gets the credit."

The second thing in his own words are words that are engraved very near where he will be laid to rest later this week. Ronald Reagan's words: "I know in my heart that man is good, that what is right will eventually triumph, and there is purpose and worth in every life."

Thank you, President Reagan.

THE PRESIDENT: Senator Lachman.

SENATOR LACHMAN: I rise to speak

and say a few words about President Ronald Reagan, which can't compare to the inspirational words of the leadership that have spoken before.

I did not have the privilege of ever meeting Ronald Reagan. In fact, initially, as a youngster, my position was, is he prepared to be president after what he had gone through in the pre-presidential years. And I have to admit he was prepared to be president.

And as a Democrat, I also have to admit that he was an outstanding president.

Now, there are two things I would like to mention as both a student of history and a professor of government. In the Washington National Cathedral on Friday there will be hundreds if not thousands of people, but two stand out in particular in terms of international affairs: former prime minister of Britain Margaret Thatcher, and the former president of the Union of Soviet Socialist Republics, Mikhail Gorbachev.

Margaret Thatcher and Mikhail Gorbachev refused to speak to one another

until President Reagan brought them together. And in their initial comments this week on his death, both of these statesmen agreed that no one ended the Cold War, but he led to the ending of the Cold War by bringing these disparate, different people and movements together. And very few people expected that to happen from a man who was obviously underrated even before he became president.

The second point I'd like to raise deals with domestic policy. Though I didn't agree with all of Ronald Reagan's domestic policy, I have to admit that this man was able to resuscitate and bring a movement to American life that is still with us today, a quarter of a century later. And these group of people today decide who wins or loses presidential elections. And who are they? They are the so-called, quote, Reagan Democrats, end of quote.

Everyone who ran for president after Ronald Reagan until this year are trying to tap into these Reagan Democrats, because they realize if they don't, they will never be president of the United States.

It's a great honor for me to be in the Senate chamber today when we memorialize this outstanding human being, President Ronald Reagan.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Thank you, Madam President.

I had the privilege of meeting President Reagan three times during his times in office: 1982, 1987, and 1989. But 1987 was a striking point for it, because it was the first time at West Point that they rearranged the field so that the president could look out over the river rather than to look at the barracks. Everybody thought that was confusing, but it was the Secret Service, because somebody said there may be some demonstration here.

But when the Secret Service came, they said: "We have to have six vehicles for the president." Now, where do you get six vehicles in four days? If I was the Majority Leader, I'd have no problem.

But what we did was we went around and got vehicles. And the president made it

very clear: If somebody doesn't want to loan us the equipment, forget it. But we're not flying vehicles in from Washington.

So we went around to dealers, and I asked them if they could loan us a vehicle and explained we had to have two station wagons because the Secret Service were going to put a light machine gun in each one of the front and back vehicles just in case.

So that morning the president came around and said -- they were getting ready to move out from Stewart -- "What have we done for the people that are using the cars?" So Jack Reedy from the Secret Service says: "Bill Larkin took care of that, Mr. President. We're going to put a plaque in each one of them." And it said "President Reagan used this vehicle on his trip to West Point, October 28, 1987."

So the president said, "Well, that's good. But how will they know I ever got there?"

So General Clifton said to him: "Sir, would you take a seat?" The president sat there in a Mercury, 1989 Mercury, and they

took a picture. Every one of those six cars got a plaque. And there was a photograph in each one of those cars of President Reagan done by the great photograph shop at West Point.

Then he walked around to the drivers and he said, "Who has the Mercury?" "I do, Mr. President." He shakes his hand, he says: "Darn good car." He said, "Really nice." He said, "You know, if GE ever made cars, I'd have been a billionaire." That referred to his days of announcing.

But it was so amazing. He said -- the cadets, he walked to the cadets and he said "What year?" "Mr. President, I'm a firstie." Knew he was a senior. Plebe, knew he was a freshman. He asked them something about the questions, what they were talking about. Because that day -- that was the day that he was making a major policy address on nuclear weapons.

So he had six seniors, all who were engineers that were going to graduate in May. And he started asking them about nuclear weapons, what they knew about it.

I took two steps back and I said to myself, you know, Teflon isn't going to get hurt here. Because the president was communicating to them on something that he was going to speak about in a couple of hours that affected our national security.

Those cadets that he talked to and walked with that day came away with a clear understanding that this was not just a president, but this was a national leader who was concerned about his nation and their future.

Ronald Reagan was a great president. As our leader explained his situation with him, I think that all of us, maybe not meeting him but looking at what he said and what he did during his tenure, whether it was in California as governor or in the presidency, Ronald Reagan was a human being for all human beings.

THE PRESIDENT: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

The first time that I visited the

White House was when Ronald Reagan was president. At that time I represented a group called the Minority Contractors Association of Westchester, and I represented them on the national board. And there were a group of us who were selected to prepare for the White House Conference on Small Business.

And people said: Well, why would you, a Democrat, staunch Democrat, want to go to the White House with a Republican president? I said, Well, first of all, it's the first time I've ever been invited to the White House. And the fact that he's a Republican president isn't important. What's important is he's the president.

And I think that having met him, and as we talked and discussed the plight of African-Americans and other minorities and their attempts to do business with government and to make sure that the legislative initiatives that we were attempting to push at that time to ensure that there was fair and just participation by minority businesses and women-owned businesses in this country, it gave me the first opportunity, as I said, to

meet with him, but certainly I came away understanding what leadership was truly about.

And so I did not want to allow this opportunity to go without adding my words to those others here in the chambers, that greatness is in the results. And I think that this country continues to be great as long as its leadership stands up, no matter whether I agree with them or not, but if they stand up and do what they believe to be the right thing at the right time.

Thank you.

THE PRESIDENT: Senator Rath.

SENATOR RATH: Thank you, Madam President.

It is appropriate that we pause today and together remember President Reagan. Thirty years since we've had a state funeral like this in this country. And totally appropriate that New York State workers have an opportunity to share this with the rest of the nation.

Appropriate that we share with each other our recollections, because it makes us all more human as we work with each other.

And I'm sure that he would think that that was totally appropriate. Because, as so many have remarked today, that was certainly a hallmark of Ronald Reagan the man.

Two personal recollections. In 1979, I was a newly elected county legislator, and Ronald Reagan was out taking the Barry Goldwater doctrine everywhere in this country and was certainly out on I guess what we'd call the rubber chicken circuit, and he happened to come through Western New York.

And I have a wonderful photograph, an 8-by-10 glossy, standing between President Ronald Reagan and Congressman Jack Kemp. Certainly something that will stay in the archives of my family. And I think Dale Volker must have one of those too, because he was there that night, I'm sure.

But he was very encouraging to a new young woman county legislator who was, frankly, quite concerned about my capability of functioning in this political world.

And then a serendipitous happening two days ago, three days ago, the day that President Reagan died. I was into one of

those endless piles of papers that we all have in our homes, and lo and behold, what surfaced but something that my 93-year-old mother felt was one of the most important pieces of documents in her personal archives. And it had ended up, of course, in a pile of papers in my house.

And it was a little white glossy folder. Written in red on the front, "President Ronald Reagan's Speech to Rotary International: A Time for Choosing, 1973." And in my mother's handwriting, written across the top of it: "Mary, don't let this get out of your hands. These are important words."

My son came in the house later that day, and I said to him, "Edward, this came into my hands this morning. Today the president died." I handed this to my son because I want him to understand what President Reagan meant to my mother.

Thank you.

THE PRESIDENT: Senator Alesi.

SENATOR ALESI: Thank you, Madam President.

I suppose, like many people here, I

owe my entry into politics by my father, who loved to define himself as a Rockefeller Republican. He was just a small-town judge and very much a grass-roots politician. But it was because of him that I gained an interest in politics.

And at an early point in my career, when I ran for election to the county legislature and lost, it was obviously because I didn't take his advice.

But there was also something happening at about the same time, and that was a time when America's spirit went into a very deep, dark spell. And it was also a time when, after losing that election, I also lost my interest in politics, despite the fact that my father urged me to stay active and not to lose my appeal for politics because the Republican Party was in a state of darkness.

But it wasn't until Ronald Reagan really came back on the scene that my interest in politics reignited. And I'm just one person whose story can carry on from there. But it was Ronald Reagan who not only reignited my napping interest in politics, but

it was Ronald Reagan who reignited the American spirit and who gave this country its sense of pride once again.

And we will all say this same story in so many ways. But I can tell you the effect that it had on me. And the path that I chose, as someone who was building a business at that time, to come back into politics, was directly related to the fact that this country and our Republican Party was regaining its sense of pride. And the allure for the political life was greatly enhanced at that time.

And I think that that's when I reentered and ran for office. And looking back on it, that's when this country owes so much of where we are today to Ronald Reagan.

And many people forget, when we say he rekindled the American spirit and he gave us our sense of pride, he rebuilt the military, not only by spending large sums of money -- because this was a great country and the economy was so great, and part of spending all that money on the military boosted the economy. But also he was a man who it said in

the paper today that, when he saluted a serviceperson, you could see that he really had respect for that individual person in uniform, he had respect for the military and for the people in the military. And that was something that was lacking.

And even those little gestures that people could see day in and day out when they'd see him on television were things that made stronger the very fiber of our American being -- as individuals, surely, but as a country as well.

And we all understand the fact that it was Ronald Reagan who ended communism. But very few people make this extension -- and I say this as a business owner, but also as someone who has not only watched politics but economics as well, as they're coupled with world history. We used to have a thing called international trade. But if it were not for Ronald Reagan and the dismantling of the Soviet Union, we wouldn't have a thing called the global economy.

And many people don't understand that the global economy that we have today is

directly related not only to the economic policies of Ronald Reagan but to the fact that he dismantled the Soviet Union and ended communism and opened the door for a global economy.

From a personal standpoint, I can't help but think of my favorite picture. It's a picture of Ronald Reagan that I have at home, actually. Not in one of my offices, but at home. And it's a picture of him with a big smile -- just kind of looking up, as Senator Bruno described, his twinkling eyes and that great white cowboy hat of his. And it just says be optimistic, be happy, enjoy everything there is to be about life.

And it's a picture; that's all it is. But that was Ronald Reagan, and that's what he did for me.

And we talked earlier about sometimes if you -- no matter what it is, if you find the humor in something, no matter how dark it is, that finding humor in something gets you through the day, gets you through the week. Ronald Reagan was a man who could find humor in anything. And he taught us that.

Because much of his humor, as Serph said earlier, was aimed at himself, and it taught us how to laugh at ourselves and laugh at the circumstances that we take so seriously sometimes but really aren't.

And that's how you can get through the day. And that's how Ronald Reagan got us through eight years of challenging times. The optimism that came from him is an optimism should still be embraced by all of us, not only in politics but in our daily lives.

One other thing that's probably even difficult to say, but when I looked at Ronald Reagan and his wife and looked at the love affair that those two people had, that's really a fascinating story. And everything you say about Ronald Reagan as a model, Ronald Reagan is a model. And even in his personal life with Nancy Reagan and the way she devoted herself to him in the last ten years -- and probably the most recent part of those ten years must have been extremely difficult for her.

Because, as he said when he first got the disease, it was such courage to stand

there and say "I'm going on a journey." And then she finished by saying: "He has gone on a journey, and I've lost him to that."

What a tremendous amount of courage for both of them, and dedication to each other, and the love that has kept all of that together. We can only learn from every single thing that we've all talked about in one way or the other here.

The thing that's fascinated me the most is the way that Senator Paterson captured the spirit of Ronald Reagan. Senator Paterson was so completely eloquent in describing a man with whom he would probably argue on political issues very often. But to have the Minority Leader talk about Ronald Reagan in such glowing and honest terms I think tells you what kind of a man Ronald Reagan was, that anybody could embrace him as a man and as a world leader.

And he will surely be missed.

THE PRESIDENT: Senator Leibell.

SENATOR LEIBELL: Thank you, Madam President.

It's very interesting, as I hear my

colleagues talk about their recollections and their thoughts upon the passing of President Reagan. One of my most vivid memories was the Goldwater campaign of '64. And I can remember very well my father coming in and getting me and saying, "Vinnie, I want you to come hear a speech."

And it was what later became known as, I think, a classic, the Ronald Reagan speech in that presidential year. Which, even though it certainly was a losing campaign for the Republican candidate, it was a speech that focused on issues and needs for the country and energized many people.

It was so similar in many ways to the speeches that Franklin Roosevelt had given. As we all know, that President Reagan commented many times how much he admired FDR and his leadership. And it was similar in tone, in many ways, to the fireside chats that FDR gave.

Many years later, I had the chance to go to the White House when I was a member of the Assembly. And I was sent down there with another one of my colleagues, George

Pataki, and we were down there to go to the Rose Garden for the signing of a bill. And it rained, so the ceremony was held inside the White House. And at that time, it was one of those more infrequent occurrences where both the president and the vice president were present. And both of us, the now Governor and I, had the chance to meet President Reagan on that occasion and to speak with him.

And I think one thing that comes out as we listen to the comments that are made today and that have been made over the last few days -- and it's something that speaks to our system of government, which is why I think we are the envy of the world -- is that regardless of how we felt about a political issue, regardless of how someone may have voted -- in fact, it's interesting to note the long lines going into the presidential library in California, the number of people who said: Oh, I never voted for him, but I admired him.

That certainly is a special thing that's unique to our system of government, I believe, where we can disagree -- in fact, it's an honorable thing to disagree when

necessary -- but to respect one's opponent or someone who expresses a different idea.

And as I would look back upon Ronald Reagan, I would say that here was a man who was a great leader, who was not afraid of any task that was in front of him, that loved being with people, and that enjoyed the opportunity to exchange thoughts and ideas and who respected other people's opinions.

He was asked on a couple of occasions about holding that great job of president. And one person who inquired of him said, during an interview: "This is reputed to be the loneliest job in the world, President of the United States, and you have never seemed to feel that way about it."

And his response was, "I don't feel it's that way. It's a great opportunity, it's a wonderful job. I meet people, and we get to live in a nice house."

Another occasion, certainly there's no greater responsibility for a president than that of commander-in-chief, where certainly you have the obligation sometimes to send our young people into harm's way. It was the

occasion of the Gulf of Sidra, where two Navy aircraft shot down two opposing aircraft, and he was not awakened. It happened in the middle of the night, and he was not awakened.

And the press was furious with this -- why was he not awakened, the commander-in-chief? And he said: "No, no, I'd given orders. If they shot us down, you wake me up. If we shoot them down, get me up in the morning."

Here was a man who knew how to wear the office of the presidency, who let the world know that I am in command, that I lead a great nation, and that we are not afraid to face the future. He has truly left us with a great legacy. He is known as "the Great Communicator," but beyond that, beyond the ability to communicate, there was truly tremendous depth.

We will miss this great president, and I think it's a wonderful thing to hear members of all political persuasions recognize what he did for our country and the legacy that he's left behind.

Thank you, Madam President.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

I hear all of these eloquent tributes to a great president, Ronald Reagan. Back when I was an officer in the National Conference of State Legislatures and also national chairman, as was Senator Marchi, of the Council of State Governments, I was at the White House a number of times.

And one time I was involved in a debate on federalism which the White House was very interested in, with the National Conference of State Legislatures, and we won it on a close vote. And the White House called my office as I'm flying back to Albany, saying will the Senator be home on Saturday, that they may call.

Well, I waited by the phone all day Saturday, and nobody called. But on Monday, as I came into the Senate, I was in a committee meeting and a secretary came out and said, "The White House is on the phone."

I went back to the Senator's office, and they said, "This is Operator 1,

please call this number," and so forth, and President Reagan answered. And he spoke to me for about 20 minutes or better. I literally almost had to terminate the conversation, saying what a thrill it was. And it was during the Argentine crisis, I think.

And that night I had to fly to Montreal. And I called home, as we all must do, and asked my wife how are things. And she said, "You just got a telegram from the White House inviting Senator and Mrs. Farley to dinner with President and Mrs. Reagan for a small group of state officials." And I says: "Fantastic." She says: "You can't go. It's the night of Peggy's play, and you're in it."

So I had to send back a telegram, "Dear President and Mrs. Reagan, I can't come to dinner because I'm in Peggy's play," and so forth. But anyway, he did invite me down to meet with him and thank me.

But the point I want to make with President Reagan -- and so many points have been made about him in being eulogized by almost everybody -- I can recall as he was president -- and in this chamber -- man, he

was excoriated pretty good, by European leaders, by many, many people. Much like the current president, I think. But he stuck to his guns. And I think that even though, as time took its toll, people realized what a nice and decent person he was.

But I think the thing that impressed me the most at every meeting that I was at -- it was the large meetings, usually, at the White House -- was his sense of humor. He never ceased to break up the whole crowd with his quips. He was very quick with saying something humorous and really lightening up the whole situation. He was indeed very funny, and everybody could recall so many things that he did, even at the convention or no matter where it was, how he could always break up the crowd with his humor.

But more important than that, he was always a very formal person, very formal. He would never take off his jacket in the Oval Office. And I never saw him, particularly as he was operating as president, in anything but a very formal situation, but he was always very warm and very personable and very genuine

and a person that I think that you could immediately like.

And I was somewhat the filler; you know, the guy that comes out and warms up the crowd. But we're waiting for our Majority Leader to come back. But I just want to say welcome back into the chamber, Senator Bruno.

And, Madam President, as Senator Bruno is here, I'm just going to say that President Reagan will be sorely missed. He's been a beloved president.

Thank you very much.

THE PRESIDENT: Thank you, Senator Farley.

SENATOR SKELOS: Madam President, I'm going to be very, very quick.

You know, earlier today -- first of all, if Ronald Reagan would be sitting in this chamber, he'd be having a great time listening to the stories. And each story would mean something to him. Because he made every single one of us who had the opportunity to meet him feel good about ourselves and to feel great about this country.

You know, earlier, Senator Bruno,

you were kidding about -- and he would laugh and be part of the whole process -- you were kidding about maybe running for higher office. And John Marchi leaned over to me and said he would support you despite your youth and inexperience.

(Laughter.)

SENATOR SKELOS: But we all have wonderful, wonderful recollections. And I guess my recollections are in 1964, in my home community of Rockville Centre, I was head of Youth for Goldwater. And I think in my high school there were probably two of us that were involved in the Goldwater campaign.

In fact, the regular Republican organization then had a headquarters, and they would not allow -- this is during a presidential year -- would not allow the Goldwater group to be part of that, and we had our own separate headquarters.

As we know, Barry Goldwater lost. And, you know, I was very upset, ready to pack it in; how could people vote against Barry Goldwater, a good conservative. And it really wasn't until -- and I think this is what you

said, Leader, and Jim Alesi and so many others, it wasn't really until Ronald Reagan came back on the scene that he ignited my desire to once again be involved in politics.

And I'm not going to go into all the details. But there's one picture that I have, and Jim Alesi mentioned it, it was when he was coming to speak to the United Nations in 1986 and Warren Anderson asked me to greet him at the heliport. Mayor Koch was there, the U.N. ambassador. And the picture is all of us there, and I'm greeting President Reagan. Helicopter -- could barely get anything out of my mouth, because he was such an imposing figure. But in the background are the Twin Towers.

And that really means something now that as we reflect Ronald Reagan, Twin Towers, beautiful picture, that this nation has to stay strong. Because we are fighting another evil empire right now.

And Ronald Reagan offered that type of leadership. And I believe we will continue to get that type of leadership through the resolve of the American people.

THE PRESIDENT: Thank you, Senator Skelos.

In accordance with the terms of the resolution, instead of a voice vote, all those in favor of the resolution please signify by standing for a moment of silence.

(Whereupon, the assemblage rose for a moment of silence on the resolution.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, can we have an immediate meeting of the Rules Committee in the Majority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Rules Committee in the Majority Conference Room.

SENATOR BRUNO: Can we at this time return to the controversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 885, by Senator Larkin, Senate Print 6505, an act to amend the Environmental Conservation Law, in relation to promoting.

SENATOR SCHNEIDERMAN:

Explanation.

ACTING PRESIDENT MEIER: Senator Larkin, Senator Schneiderman has requested an explanation of Calendar 885.

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

You know, the background on this bill is that we have a program where we donate venison. We also have a problem with deer. Nobody knows it any better than me. My wife thinks she's a horticulture specialist, and she plants and the next morning we go out and the deer have taken everything.

Right out on the main highway, 218, where I live, there's not a week goes by that there isn't a deer been slaughtered by a vehicle or a vehicle that has had total damage.

So when we started talking about the DEC, what to do with it, the DEC, the Health Department got in it, Ag & Markets got in it. They said: Look, why don't we create an interagency to look at this to find out how we can eliminate the problem of the deer. There's millions of dollars each year that's

been reported by the Insurance Department for vehicles that have been in an accident with a deer. Some casualties. Some personal body injuries.

And the other thing is, is how do we make the program work like we intend to? Right now the department is saying that this is a $120 million a year loss because we don't control the deer population. And we haven't done anything. And in controlling it, the idea of a vehicle accident with the venison, then clearing it and then donating it, creates a lot of problems.

In discussion with the Department of Ag & Markets this year, they estimated that last year alone, the damage to crops was approximately $16 million.

Now, you know, here in this chamber about three or four years ago we talked about a crop advantage so that we would turn away the deer destruction of crops. We have had no luck at all. But what we're saying now is we want the Department of Environmental Conservation.

What we've been successful in is

everybody saying they want to be a part of it, and we feel that this will ease the problem of the venison that we want to give away, have an opportunity to decide what are we going to do to eliminate them destroying the crops, and then what are we going to do about the destruction on the highway of the deer, of human beings and of vehicles.

This program, we've found so far, has been successful on the venison side of it, but we have not been successful in dealing with the other. And in dealing with the agencies, they felt that this was a way that could render some service to the problem and correct it.

That's it. Not much voice left.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you. On the bill.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson, on the bull.

SENATOR HASSELL-THOMPSON: Senator Larkin, I appreciate your explanation.

We had a relatively heated

discussion in committee on this particular bill, and I voted at that time without recommendation purposely. Because one of the things I did not hear then that I have heard now is that there is a discussion about the formulation of a commission made up of several organizations which will in fact explore not just the immediacy but a long-range plan in terms of how we go forward with deer control.

I am not necessarily considered to be an environmentalist, but I do believe that there is a necessity for humans and our environment to live somewhat in a peaceful coexistence. And when by some of our actions we begin to build, to the extent that we begin to limit and change the environment in which the animals around us live, I want us to, you know, to be sure that there is a judicious way and a humane way that we continue to go forward with the problem.

I remember hearing Senator McGee talk also about the extent to which it has caused damage in her part of the state, and the extent of the damage and what that long-range damage means. These are not just

gardens that people create, but these are crops that feed families.

And so that I think that it does become important for us to recognize that over the years the deer population has grown extensively, as have the Canadian geese in Westchester and some other parts of the state, and there needs to be a real ongoing dialogue as to what we do and how do we control that. Because it's very clear that hunting is not the generational sport that it used to be, and so therefore we have to do something that is humane.

And I thank you for your explanation.

Thank you, Mr. President.

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, 55.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 1079, by Member of the Assembly McLaughlin, Assembly Print Number 7137B, an act to amend the General Business Law, in relation to immigrant assistance services.

ACTING PRESIDENT MEIER: Senator Schneiderman.

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

ACTING PRESIDENT MEIER: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: This is a piece of legislation to essentially begin the process of establishing regulations in an area in which we currently have none.

There are no regulations for the many, many people in the State of New York who provide services to immigrants. There are regulations, obviously, for attorneys. But the fact of the matter is we are in the midst of the greatest wave of immigration in the history of New York State.

And there are a lot of people in my district who come to my office all the time

because they are taken advantage of by unscrupulous businesses that hold themselves out to provide services to immigrants and don't deliver the goods. And before this legislation is enacted, we really don't have any state regulation over the provision of these services.

We are in the process now of setting up a clinic in Upper Manhattan, with the cooperation of Columbia Law School and the Legal Aid Society, to provide these services.

And I assure anyone who has read the memos of opposition to this bill that come strictly from bar associations and lawyers' organizations concerned, I guess, about losing business, that we could not possibly address the needs of the immigrant community in New York without the work of nonlawyers.

So this bill is absolutely necessary. We have to regulate this area. It is an area where there are really what I can only describe as horror stories of abuse by people holding themselves out as providing services to immigrants.

So I'm going to vote for this bill,

and I urge everyone to do so as well. And the issues that have been raised in the letters of opposition I think really reflect the more parochial concerns of lawyers who practice in this area and are concerned that someone else may take some of their business.

I assure you, we do not have enough immigration lawyers in New York to provide all the services we need, and there are a lot of people who need help who cannot afford an immigration lawyer at all. So this is a good piece of legislation. I hope it will become law.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson.

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

Again, this was a bill that I had voted without recommendation in committee because I didn't clearly understand the bill. And I will admit to that, Senator Padavan.

But since that time, what I did do was -- even though immigration is not normally something that is handled in the Senate

office, we have such a large number of immigrants continually in many of our communities, and so that the overflow from our Congressional office always ends up with us somehow. And so we have been continually making referrals.

But we want to be sure -- and I think that what this bill does is to ensure that the people that we are referring them to are licensed and are appropriately able to handle their cases. We have -- we can tell some horror stories as well of the numbers of people who believe that they are getting their citizenship and who have paid an inordinate amount of money to people that nobody controls, and they have gotten nothing.

And I even went so far as to take a couple who had been recommended to me down to Immigration. And when they looked at the record, they said: "Senator, these people should have been told three years ago that they were never going to become citizens," because the people who were sponsoring them had some wrongdoings in their record and therefore were unable to be a sponsor.

These people had lost over $10,000 in continual services that never rendered them any kind of successful result.

So, Senator Padavan, again, I apologize for my misunderstanding of the bill in committee, and I appreciate the opportunity to have the discussion on the floor today and to vote yes.

ACTING PRESIDENT MEIER: Senator Sabini.

SENATOR SABINI: Mr. President, on the bill.

I want to congratulate the sponsor, Senator Padavan, senior elected official in Queens, for his foresight in moving forward with this. As our Deputy Minority Leader said, a lot of attorneys have talked to us in concern and outright opposition to this legislation. And I think their opposition is misguided.

Given their druthers, they would have not-for-profit organizations that have serviced the immigrant community in neighborhoods like mine -- organizations like the Emerald Isle Immigration Center or the

Latin American Integration Center -- and would have forced them to change the way they do business. Even though the way they do business has been both successful -- at no profit -- and effective. So I think the criticisms of the legislation have been wrongheaded.

And one need only read newspaper accounts or walk down Roosevelt Avenue in areas like Woodside and Elmhurst and Jackson Heights and Corona to see a variety of people who have tried to set up shop as consultants, as expeditors. And they thrive, frankly, in the fear of some of the other legislation that we've passed, both here and in Washington.

And they try to go to people they trust or they think they can trust, and they've been ripped off, they've been duped. And in some cases their status in this country has been harmed by unscrupulous advisors that they've paid large sums of their hard-earned cash to.

So I congratulate Senator Padavan on this bill. I wholeheartedly support the legislation and want to urge my colleagues to

vote yes.

Thank you.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

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

SENATOR SKELOS: Thank you, Mr. President.

If you could recognize Senator Krueger.

ACTING PRESIDENT MEIER: Senator Liz Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. I'd like to request unanimous consent to be recorded in the negative on Calendar 856, Senate 5563A.

ACTING PRESIDENT MEIER: Without objection, Senator Liz Krueger will be recorded in the negative on Calendar 856.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees.

I believe there's a report of the Rules Committee at the desk. I ask that it be read.

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 7045, by Senator Hannon, an act in relation to allowing;

7046, by Senator Hannon, an act to authorize the assessor of the County of Nassau;

7047, by Senator Hannon, an act authorizing the assessor of the County of Nassau;

7112, by Senator Leibell, an act to

amend the Executive Law;

7282A, by Senator Spano, an act to authorize;

7324, by Senator Oppenheimer, an act to amend the Public Authorities Law;

7334, by Senator Padavan, an act to amend the Civil Service Law;

7351, by Senator Little, an act to amend the County Law;

And Senate Print 7397, by Senator Kuhl, an act to amend the Public Officers Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Move to accept the report of the Rules Committee.

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 Skelos.

SENATOR SKELOS: Mr. President, is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: Yes, we have some housekeeping.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President, on page 56 I offer the following amendments to Calendar Number 1230, Senate Print 6822A, 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 Third Reading Calendar.

SENATOR DeFRANCISCO: On page number 54, I offer the following amendments to Calendar 1195, Senate Print Number 6483, and also ask that that 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 third reading.

SENATOR DeFRANCISCO: On page 32,

I offer the following amendments to Calendar 830, Senate Print 6612A, and ask that that bill also retain its place on the Third Reading Calendar.

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

SENATOR DeFRANCISCO: And finally, on page 50, I offer the following amendments to Calendar 1105, Senate Print Number 5937, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator McGee.

SENATOR McGEE: Mr. President, on behalf of Senator Padavan, I wish to call up his bill, Print Number 7164, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1004, by Senator Padavan, Senate Print 7164, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MEIER: Senator McGee.

SENATOR McGEE: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: Senator McGee.

SENATOR McGEE: Mr. President, I now offer the following amendments.

ACTING PRESIDENT MEIER: The amendments are received and adopted.

Senator McGee.

SENATOR McGEE: Mr. President, on behalf of Senator Skelos, I wish to call up his bill, Print Number 5156B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 267, by Senator Skelos, Senate Print 5156B, an act to amend the Public Health Law.

SENATOR McGEE: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

SENATOR McGEE: Mr. President, I now offer the following amendments.

ACTING PRESIDENT MEIER: The amendments are received and adopted.

Senator McGee.

SENATOR McGEE: Mr. President, on behalf of Senator Golden, I wish to call up his bill, Senate Print Number 6516A, which is at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 895, by Senator Golden, Senate Print 6516A, an act to amend the General Municipal Law.

SENATOR McGEE: Mr. President, I now move to reconsider the vote by which this bill was passed and ask that the bill be restored to the order of third reading.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is restored to the order of third reading.

SENATOR McGEE: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Thank you, Senator McGee.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business to come before the Senate, I move we stand adjourned, in memory of President Ronald Reagan, until Thursday, June 10th, at 11:00 a.m.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned, in memory of President Ronald Wilson Reagan, until Thursday, June 10th, at 11:00 a.m.

(Whereupon, at 1:40 p.m., the Senate adjourned.)