NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 1, 2007

3:12 p.m.

REGULAR SESSION

LT. GOVERNOR DAVID A. PATERSON, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

I would invite everyone to join with me in reciting the Pledge of Allegiance.

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

THE PRESIDENT: In the absence of clergy, we will observe a moment of silence.

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

THE PRESIDENT: The reading of the Journal.

THE SECRETARY: In Senate, Monday, April 30, the Senate met pursuant to adjournment. The Journal of Sunday, April 29, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Morahan, on page 30 I offer the following amendments to Calendar Number 592, Senate Print 3960, and I ask that that bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendments are received and adopted. The bill will retain its place on the Third Reading Calendar.

SENATOR FARLEY: Mr. President, I now move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That's Senator Morahan's bill, 5277.

THE PRESIDENT: So ordered.

SENATOR FARLEY: On behalf of Senator Bonacic, Mr. President, I move that

the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That's Senate Print 5273.

THE PRESIDENT: So ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could adopt the Resolution Calendar at this time.

THE PRESIDENT: All in favor.

(Response of "Aye.")

THE PRESIDENT: Opposed.

(No response.)

THE PRESIDENT: The Resolution Calendar is adopted.

SENATOR SKELOS: Mr. President, I believe the Minority are in conference right now. We'll wait several more minutes, but then we will start the noncontroversial reading of the calendar.

Mr. President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Yes, if we could go to the noncontroversial reading of the calendar, please.

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

THE SECRETARY: Calendar Number 361, by Senator Maziarz, Senate Print 3712, an act to amend the Labor Law, in relation to regulation.

THE PRESIDENT: The Secretary will read the last section.

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

THE PRESIDENT: The Secretary will call the roll.

(The Secretary called the roll.)

THE PRESIDENT: The Secretary will announce the results.

THE SECRETARY: Ayes, 37.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 460, by Senator Maltese, Senate Print 1063, an act to amend the Civil Service Law, in relation to resolution of disputes.

THE PRESIDENT: Last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 494, by Senator Rath, Senate Print 2992, an act to amend the Real Property Law, in relation to campgrounds.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 517, by Senator Seward, Senate Print 2735, an act in relation to creating a state civil air patrol board.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 595, by Senator Morahan, Senate Print 2440, an act to amend the Education Law, in relation to tuition-free courses.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 612, by Senator Larkin, Senate Print 3898, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to hearings.

THE PRESIDENT: Last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 613, by Senator Larkin, Senate Print 4059, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to reciprocity of licenses.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 615, by Senator DeFrancisco, Senate Print 38, an act to amend the Executive Law, in relation to establishing Ukrainian Independence Day.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 621, by Senator Farley, Senate Print 1294, an act to amend the Executive Law, in relation to designation of August 7th as Family Day, a day of commemoration.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Mr. President.

I'm going to be voting no on this piece of legislation. I am taken aback that today of all days, when the Empire State Pride Agenda brought thousands of people here to the

State Capitol to meet with legislators, to rally on the lawn outside the Capitol, really, for the sole purpose of trying to provide for equal protection for our families -- and as you can imagine, it's odd that there would be a noninclusive Family Day piece of legislation coming before us today.

As we look around us, Canada Massachusetts, Vermont, New Jersey, Connecticut, even New Hampshire all have recognition of our families, of my family. And we don't have that in New York State, and it's not in this piece of legislation. And I will be voting no.

Thank you, Mr. President.

THE PRESIDENT: Senator Duane will be recorded in the negative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 38. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 624, by Senator Robach, Senate Print 2616A, an

act to amend the State Finance Law, in relation to state contracts.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the first of January.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 633, by Senator Skelos, Senate Print 4055, an act to amend the General Business Law, in relation to authorizing collateral loan brokers.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 634, by Senator Skelos, Senate Print 4056, an act to amend the General Business Law, in relation to requiring employees.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 641, by Senator Volker, Senate Print 1971, an act to amend the Civil Practice Law and Rules, in relation to attorney-client privilege.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 643, by Senator Skelos, Senate Print 2374, an act to amend the Criminal Procedure Law, in relation to statute of limitations.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Mr. President.

I'm going to be voting in the negative on this one, regarding extending the statute of limitations for commencing a criminal case where DNA evidence is recovered, even when there's a discrepancy between the evidence and what's in the DNA index.

There are still problems with storage of DNA handling of DNA, training of people who handle DNA. And unless and until we have a hearing on where exactly we're at on these issues surrounding DNA, and come up with

solutions for how we can best and most carefully use DNA, I feel compelled to vote in the negative.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator Duane.

Senator Duane will be recorded in the negative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 38. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 647, by Senator Volker, Senate Print 4020, an act to amend the Civil Practice Law and Rules, in relation to exempting service.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 650, by Senator Nozzolio, Senate Print 4043, an act to amend the Penal Law and the Correction Law, in relation to sexual conduct.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 652, by Senator Robach, Senate Print 4066, an act to amend the Criminal Procedure Law, in relation to revocation.

THE PRESIDENT: Last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

THE PRESIDENT: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 653, by Senator Libous, Senate Print 4096, an act to amend the Penal Law, in relation to increasing the penalties.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 654, by Senator Volker, Senate Print 4114, an act to amend the Criminal Procedure Law and the Judiciary Law, in relation to allowing.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 658, by Senator Lanza, Senate Print 4381, an act to amend the Penal Law, in relation to criminal street gang recruitment.

THE PRESIDENT: Last section.

THE SECRETARY: Section 4. This act shall take effect on the 60th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Ayes, 38. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 659, by Senator Little, Senate Print 4513, an act to amend the Criminal Procedure Law, in relation to designating certain employees.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 662, by Senator DeFrancisco, Senate Print 1830, an act to amend the Military Law, in relation to the waiving of filing fees.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 663, by Senator Morahan, Senate Print 2169, an act to amend the Military Law, in relation to extending.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 39.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 666, by Senator Saland, Senate Print 1096, an act to amend the Education Law, in relation to involuntary transfer.

SENATOR SKELOS: Lay that aside temporarily, please.

THE PRESIDENT: Calendar Number 666 will be laid aside temporarily.

SENATOR SKELOS: Mr. President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Finance Committee in the Majority Conference Room.

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

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:29 p.m.)

(Whereupon, the Senate reconvened at 3:57 p.m.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Mr. President -- I'm not sure whether to call you Mr. President or Mr. Governor today. But it's great to see you up there.

And if we could return to the calendar, Calendar Number 666 was temporarily laid aside. If we could take it up at this time.

THE PRESIDENT: The Secretary will read Calendar Number 666.

THE SECRETARY: Calendar Number 666, by Senator Saland, Senate Print 1096, an act to amend the Education Law, in relation to involuntary transfer.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Duane, to explain his vote.

SENATOR DUANE: Thank you, Mr. President.

I believe the last time that this piece of legislation came to the floor, which was in 2005, there were four members of the conference that voted no on it -- myself, Senator Velmanette Montgomery, Senator Ruth Hassell-Thompson, and Senator Kevin Parker.

And I am going to be voting no on it again this year, Mr. President, and I think you might find there will be some other no votes as well.

Thank you.

THE PRESIDENT: Senator Duane will be recorded in the negative on Calendar Number 666.

Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President. I thank my leader for reminding us, and I'm going to continue to oppose this legislation.

And as I have said in the past, it

is definitely not because I do not support safety in the schools and all of the rationale that is used to support this legislation.

However -- and the fact that we are fairly loose in the way that we describe what a student's behavior is under this bill. We say "disruptive," and that is a very broad description. It's very subjective. And I don't believe that we should be in the business of involuntarily transferring students simply because they are disruptive by someone's definition. That certainly is not our intent to be used.

So I'm going to continue to oppose this legislation, and I invite my colleagues to join me in opposing this, especially in light of the fact that we do not provide enough support in our schools, including school-based health clinics where they would have health professionals, mental health professionals, crisis intervention services, and other supports for young people who come to school who may have issues that bring them to negative behavior that could be handled otherwise besides carting them off

involuntarily to some other place.

So, Mr. President, I vote no.

THE PRESIDENT: Senator Montgomery will be recorded in the negative on Calendar Number 666.

The chair recognizes Senator Diaz.

SENATOR DIAZ: Thank you, Mr. Chairman, Mr. President.

Bullies are a problem. We have a responsibility to educate everyone and to be sure that no child is left behind. But in my district, there are many mothers and many parents that send their children to school and they are afraid of what's happening to them. And in our communities the dropout rate is about 40 percent, and the great majority of the dropout rate, the reason why our children drop out of school, is because there are bullies.

Bullies that fight with them, bullies that abuse them, bullies that go to the school with the only reason to show off, to abuse other children, to disrupt the schools. And the children that want to go to school to study and those children that want

to get a good education are stopped from getting a good education because of the bullies and because of the disruptive children.

So yes, we have to provide for everyone. But we have to take into consideration that their parents -- in my district, there are parents that have taken their children out of the school because of abuses from the bullies. So we have to be sure that those children that want to be a real good education, they get that. And if for that we have to transfer the bullies out of the school, we should do that.

Our system allows children to be transferred for academic reasons. So for academic reasons, they transfer children. So if they transfer children for academic reasons, why not transfer children for disruptive and abusive situations? We have to protect the teachers, we have to protect the children, we have to protect everybody that wants to go to school to learn.

So, ladies and gentlemen, I am in support of this bill, and I ask everyone,

before we vote and before we continue blaming the system or that to consider those mothers and those fathers, those parents that want to protect their children and that wants a good education for their children. Those are the ones that we are supposed to have in mind and those are the ones that we are supposed to be protecting. I'm proudly voting yes on this bill.

Thank you.

THE PRESIDENT: Senator Diaz will be voting in the affirmative on Calendar Number 666.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 666 are Senators Adams, Duane, Montgomery, Parker and Perkins.

Ayes, 53. Nays, 5.

THE PRESIDENT: The bill is passed.

That completes the noncontroversial reading of the calendar, Senator Skelos. What is your pleasure?

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, there's a report of the Finance Committee at the desk. I ask that we take it up at this time.

THE PRESIDENT: Reports of standing committees.

The Secretary will read the report of the Finance Committee.

If the bullies aren't quiet, we will throw them out of this chamber.

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

As a member of the State Board of Parole, George B. Alexander, of Erie.

THE PRESIDENT: On the nomination. Senator Johnson.

SENATOR OWEN JOHNSON: Move the nomination.

THE PRESIDENT: Senator Maziarz, on the nomination.

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

I rise to support this nomination.

George Alexander, from Western New York, has had a distinguished career in Western New York in the Erie County Probation Department, Youth Detention Services, appeared before the Senate Committee on Crime Victims, Crime and Corrections, the Finance Committee.

I've known George for a long time. This is the right spot, as chairman of the Parole Board. And I know that George will do an excellent job.

Congratulations, George, to you and your family.

Thank you, Mr. President.

THE PRESIDENT: The question is on the nomination of George Alexander as chair of the New York State Parole Board. All in favor please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The nomination is carried.

George Alexander, who is accompanied today by his brother Oji and his sister-in-law, Carolyn Reed, you have just

been nominated and confirmed as the chair of the New York State Parole Board. Congratulations and best wishes in your service.

(Applause.)

THE PRESIDENT: I also will make mention of the fact that Senator Volker and Senator Thompson wanted to lend their voices to this nomination. It is carried unanimously.

The Secretary will read.

THE SECRETARY: As a member of the State Board of Parole, William M. Casey, of Pleasantville.

THE PRESIDENT: On the nomination, Senator O. Johnson.

SENATOR OWEN JOHNSON: Move the nomination.

THE PRESIDENT: On the nomination of William Casey, of Pleasantville, to the New York State Parole Board. All those in favor please indicate so by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: William Casey, who appears today with his wife, Mary, has just been confirmed as a member of the New York State Parole Board.

Congratulations, Mr. Casey, and best wishes in your service.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As a member of the State Board of Parole, Henry Lemons, of St. Albans.

THE PRESIDENT: Senator O. Johnson.

SENATOR OWEN JOHNSON: Move the nomination.

THE PRESIDENT: Senator Adams.

SENATOR ADAMS: Yes, Mr. President, I rise in support of the nomination of my friend and colleague, Henry Lemons.

Henry was a member of the New York City Police Department and several others -- if you read his bio, you'll see that he was a member of several other law enforcement

communities.

To sit on the Parole Board, it gives him the opportunity to use those many years of experience to make the very important decision, are we going to allow individuals to return back to our community? Are they ready to be a member of society?

And I think that you need the level of expertise that Henry brings. I think that the Governor made a great decision in allowing him to be a member of the Parole Board. We're looking forward to have him on that Parole Board and to use his experience as a law enforcement in fighting narcotics on our streets, fighting street-level crime, predatory crime.

He truly was an asset to the New York City Police Department and the other law enforcement agencies that he was affiliated with.

And I say congratulations to you, Henry. It's clearly the state's gain by having you on board.

THE PRESIDENT: On the nomination, Senator Perkins.

SENATOR PERKINS: Thank you, Mr. President.

I just want to briefly add my voice of congratulations and support to Henry Lemons on his confirmation.

I wish you well and look forward to working with you. You've come at a very important time, and I think that there's a great mission for you, and I think that we all here are going to make sure that you are successful.

Thank you so much.

THE PRESIDENT: On the nomination, Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President, I would be remiss if I didn't rise to join my colleagues Senator Adams and Senator Perkins in congratulating the nominees here, both Mr. Lemons, who we're talking to right now, but also Mr. Alexander and Mr. Casey.

I want to say that definitely you are important to certainly my district, people in my district, and as well as my colleagues who have spoken.

The first time that I visited a prison facility in the state was amazed when I walked through the corridors and people greeted me: "Hello, Senator Montgomery." They were obviously people who had lived in my district or had relatives in my district and knew me or knew of me.

And so those people come back home to my district and other parts of the city and other parts of the state. And I believe that it is extremely important that the face of the criminal justice system, especially the face of parole, should reflect the region and the group that those people who are actually in prison reflect as well.

So I'm happy to welcome you. And I think that the Governor has made a very wise appointment, because he understands the point that we have made that the Parole Board needs to be staffed and led by people who really understand what the function of parole is, and that is to help to successfully reintegrate people back into their home communities as opposed to being an obstacle to their ability to successfully reenter.

So, Mr. President, I join my colleagues in complimenting the Governor on these appointments, and wish you well and look forward to working with you to make sure that we are able to continue to be successful in this state in helping people to reenter. Thank you very much.

Thank you, Mr. President.

THE PRESIDENT: On the nomination, Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President and my colleagues, each of the nominees for the office of the Parole Board, as parole commissioners, came before the New York State Senate Committee on Crime Victims, Crime and Corrections. We, in a bipartisan fashion, reviewed their qualifications.

And I can say that certainly they are outstanding individuals who have a variety of experiences -- particularly in law enforcement, but also in parole -- that will enhance the operations of the New York State Board of Parole. That this confirmation

process is an important process because it provides the Senators the opportunity to directly dialogue with potential nominees and discuss very important issues of policy.

And I think it important to note that particularly two of the commissioners, the nominations, have had extensive experience in law enforcement, were police officers. And not just police officers, but police officers that have achieved stellar performance ratings throughout their career, have been involved in very important cases in the New York City Police Department, and have done exemplary work as police officers -- as well as experience in the parole system. Our nominees bring that type of background and experience to their new positions.

My admonition during the committee review and continuing here on the floor is that as their focus in their new endeavors should be, first and foremost, to helping achieve justice. That parole is an issue of justice.

And if you are engaging in the review of the character and qualifications of

those who have been incarcerated and whether those who have been incarcerated should be let out on parole, that that, in effect, decision is one that should be tempered by the view of the crime victim.

Remember the victim of this crime, as we this last few weeks commemorated Crime Victims Week. That the focus needs to be placed on how that victim had been victimized by the perpetrator of the crime and whether that perpetrator has in effect been rehabilitated and justice has been achieved.

Having said that, I also wish to congratulate these nominees, that we look forward to working with them and making the parole system a justice system. And that we are very hopeful that they will continue to focus on the fact that this body itself has established a zero tolerance for violence in New York and that we will entertain only those who have been through achieving a balance in justice, and justice for the crime victim in particular.

Thank you very much, Mr. President.

THE PRESIDENT: On the

nomination, Senator Smith.

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

And let me rise to second the nomination of Henry Lemons and echo much of what has been said already about him.

He obviously has had a distinguished career in the New York City Police Department. He was in the Kings County District Attorney's office. He also was in the Air Force.

Obviously this position requires one who has the ability to be fair-minded. There are difficult decisions, difficult choices he will be faced with along with the other members of the Parole Board.

But I will tell you, growing up in St. Albans, Queens, which is where Mr. Henry Lemons is from, he has always been that kind of individual. The Governor has made an excellent selection in Mr. Lemons, notwithstanding the fact that he also is a member of my church as well, with Reverend Flake as pastor. He is also a very well respected individual in our church.

But he has gotten that same response from many of his colleagues. In every career that he was involved with, every position he's held, he has always received accolades from his friends and his peers. I attended a function not too long ago where he is the president of, the chairman of, and they were just singing his praises. Senator Adams was there as well; he was actually honored at the event. It was a great event.

So I just rise to second the nomination. I think the Governor made a great selection. Senator Nozzolio, I thank you for your pushing on making sure these nominations happened. And I think it's a great day for the Parole Board and a great day for St. Albans, Queens.

Thank you very much.

THE PRESIDENT: Senator Smith has closed the nominations.

The question is now on the nomination of Henry Lemons, of St. Albans, Queens, New York, as a member of the Board of Parole of the State of New York. All those in favor please indicate by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Henry Lemons, who is accompanied today by his brother Donald, and who was the recipient of stunning nominations by Senators Adams, Perkins, Montgomery, Nozzolio and Smith, is now hereby confirmed as a member of the Board of Parole of New York State.

Congratulations, Mr. Lemons. We hope this is a prelude to the continuation of your outstanding service to law enforcement, corrections and parole. Congratulations.

(Applause.)

THE PRESIDENT: Senator Skelos.

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

THE PRESIDENT: No, there is none, Senator Skelos.

SENATOR SKELOS: There being no further business to come before the Senate, I move we stand adjourned until Wednesday, May 2nd, at 11:00 a.m.

THE PRESIDENT: The Senate stands

adjourned until Wednesday, May 2nd, at 11:00 a.m.

(Whereupon, at 4:19 p.m., the Senate adjourned.)