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ALBANY, NEW YORK

May 25, 1993

3:35 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

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P R O C E E D I N G S

ACTING PRESIDENT FARLEY: Senate will come to order. Senators will please find their seats.

Please rise for the Pledge of Allegiance to the Flag.

(Whereupon, the Senate joined in the Pledge of Allegiance to the Flag.)

Today, in the absence of visiting clergy, we will bow our heads for a moment of silent prayer.

(Whereupon, there was a moment of silence.)

Secretary will again by reading the Journal.

THE SECRETARY: In Senate, Monday, May 24. The Senate met pursuant to adjournment. Senator Farley in the chair upon designation of the Temporary President. Prayer by Father Peter G. Young of the Blessed Sacrament Church of Bolton Landing. The Journal of Friday, May 24, was read and approved. On motion, Senate adjourned.

1 ACTING PRESIDENT FARLEY: Hearing
2 no objection, the Journal will stand approved as
3 read.

4 The order of business:
5 Presentation of petitions.
6 Messages from the Assembly.
7 Messages from the Governor.
8 Reports of standing committees.
9 We have a report of a standing
10 committee, Senator Present.

11 Secretary will read.

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

15 Member of the Fire Fighting and
16 Code Enforcement Personnel Standards and
17 Education Committee, Francis J. Quinlan of
18 Cortland; Dominick A. Timpano, of Utica.

19 Member of the Correction Medical
20 Review Board, Gloria Herron Arthur, Esq., of
21 Schenectady.

22 Member of the Board of Trustees
23 of the State University of New York, Roderick G.

1 W. Chu, of New York City.

2 Member of the Board of Directors
3 of the New York State Martin Luther King, Jr.
4 Institute for Non-Violence, Young Kun Kim,
5 Ph.D., of New York City.

6 ACTING PRESIDENT FARLEY: On the
7 confirmation. All in favor, say aye.

8 (Response of "Aye.")

9 Those opposed, nay.

10 (There was no response.)

11 The nominees are confirmed.

12 Reports of select committees.

13 Communications and reports from
14 state officers.

15 Motions and resolutions.

16 Do we have any motions on the
17 floor?

18 Senator Saland.

19 SENATOR SALAND: Mr. President,
20 on page 38, I offer the following amendments to
21 calendar 790, Senate Print 4940, and ask that
22 the bill retain its place on the Third Reading
23 Calendar.

1 ACTING PRESIDENT FARLEY:
2 Amendments received. The bill will retain its
3 place on the Third Reading Calendar.

4 Senator Volker.

5 SENATOR VOLKER: Mr. President.
6 On page 11, Calendar Number 463, Senate Print
7 4091, would you star that bill, please.

8 ACTING PRESIDENT FARLEY: Bill is
9 starred at the request of the sponsor.

10 Senator Cook, do you have a
11 motion?

12 SENATOR COOK: Yes. Mr.
13 President, on page 36, I offer the following
14 amendments to Calendar Number -- that's on the
15 starred calendar, Calendar Number 631, Senate
16 Print 3201, and ask that the said bill retain
17 its place on the Third Reading Calendar.

18 ACTING PRESIDENT FARLEY: The
19 bill is starred -- I mean the amendments are
20 received to the bill on the starred calendar.

21 Senator Wright.

22 SENATOR WRIGHT: Mr. President,
23 on behalf of Senator Daly, on page 20, I offer

1 the following amendments to Calendar Number 720,
2 Senate Print Number 2698, and ask that said bill
3 retain its place on Third Calendar Reading.

4 ACTING PRESIDENT FARLEY: The
5 bill will retain its place.

6 SENATOR WRIGHT: Mr. President,
7 on behalf of Senator Libous, on page number 39,
8 I offer the following amendments to starred
9 Calendar Number 894, Senate Print Number 3927,
10 and ask that said bill retain its place on the
11 Third Reading Calendar.

12 ACTING PRESIDENT FARLEY: Without
13 objection.

14 We have a substitution, Senator
15 Present.

16 Secretary will read the
17 substitution.

18 THE SECRETARY: On page 36 of
19 today's calendar, Senator Seward moves to
20 discharge the Committee on Investigations,
21 Taxation and Government Operations from Assembly
22 Bill Number 5913A and substitute it for the
23 identical Third Reading 623.

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ACTING PRESIDENT FARLEY:

Substitution is ordered.

Senator Present.

SENATOR PRESENT: Mr. President,
I move that we adopt the Resolution Calendar.

ACTING PRESIDENT FARLEY: All in
favor of adopting the Resolution Calendar, say
aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The Resolution Calendar is
adopted.

SENATOR PRESENT: Mr. President,
will you recognize Senator Volker.

ACTING PRESIDENT FARLEY: Senator
Volker.

SENATOR VOLKER: Mr. President,
there is a resolution at the desk, and I would
like to call it up now and ask that the clerk
read the entire resolution.

ACTING PRESIDENT FARLEY: The
clerk will read Senator Volker's resolution.

1 THE SECRETARY: Legislative
2 Resolution Number 1493, by Senators Volker,
3 Marino, and all members of the Senate.

4 Legislative Resolution honoring
5 the Division of New York State Police Commitment
6 to Excellence.

7 Whereas, it is the sense of this
8 legislative body that those who give positive
9 definition to the profile and disposition of the
10 communities of the state of New York do so
11 profoundly strengthen our shared commitment to
12 the exercise of freedom.

13 Attendant to such concern and
14 fully in accord with its long standing
15 traditions, it is the intent of this legislative
16 body to honor the New York State Police
17 Commitment to Excellence.

18 The Commitment to Excellence is
19 a two-day theme marking State Police Recognition
20 Days on May 24 and 25, 1993, in New York
21 State.

22 On April 11, 1917, Governor
23 Charles S. Whitman signed the bill into law

1 making that day the official birthday of the New
2 York State Police.

3 That summer, the first contingent
4 of 237 men began training at the National Guard
5 Camp in Manlius, New York; the training was a
6 combination of military drill and horsemanship,
7 with legal training by two judges and an
8 assistant attorney general; at the completion of
9 the training the men went on to their first
10 assignments, policing the State Fair; there they
11 performed in an exemplary manner, immediately
12 establishing a reputation for their skill,
13 courage, fairness, and integrity; when the fair
14 closed, they were divided into four troops and
15 sent out on horseback to patrol the far corners
16 of the state.

17 Since that time, the New York
18 State Police has grown to over 4,000 sworn
19 members, backed by more than 650 civilian
20 support personnel; in 11 troops and in dozens of
21 special details, plainclothed investigators, as
22 well as Troopers wearing the traditional gray
23 uniform, perform a full range of police services

1 from promoting highway safety to solving the
2 most heinous of crimes.

3 The Division also operates the
4 state's police communications network and four
5 crime laboratories across the state; they
6 provide special services, including K-9 units,
7 SCUBA divers, aviation units, hazardous devices
8 units and mobile response teams; today, the New
9 York State Police also fields the second largest
10 contingent of narcotic enforcement officers of a
11 non-federal law enforcement agency.

12 In over 75 years of existence,
13 the New York State Police has never wavered from
14 its original mission: To provide the citizens of
15 rural and suburban New York State with the
16 finest around the clock police services
17 available; the continuing quality of these
18 services have been acknowledged by Governor
19 Mario M. Cuomo, who recently bestowed upon the
20 Division the Governor's 1992 Excelsior Award.

21 The New York State Police mirrors
22 an unyielding concern for the primacy of local
23 governance, for those prerogatives of personal

1 initiative and accountability as paradigmatic of
2 our American manner.

3 Through its long and sustained
4 commitment to the principles upon which this
5 nation was founded, the New York State Police
6 has so unselfishly advanced that spirit of
7 united purpose and shared concern which is the
8 unalterable manifestation of our American
9 experience.

10 Now, therefore, be it resolved,
11 that this legislative body pause in its
12 deliberations and most joyously honor the New
13 York State Police Commitment to Excellence,
14 fully confident that such procedure mirrors our
15 shared commitment to preserve, to enhance and to
16 yet effect that patrimony of freedom which is
17 our American heritage; and

18 Be it further resolved, that a
19 copy of this resolution, suitably engrossed, be
20 submitted to Thomas A. Constantine,
21 Superintendent, New York State Police.

22 ACTING PRESIDENT FARLEY: On the
23 resolution.

1 Senator Volker.

2 SENATOR VOLKER: Mr. President,
3 first of all, let me say that we're proud today
4 to have a large contingent of the New York State
5 Police. In the gallery are virtually all the
6 Troop Commanders and various administrative
7 people from the State Police.

8 I think probably many of you saw
9 out in the quadrangle as well as downstairs in
10 the Concourse that there were various
11 demonstrations going on during the last several
12 days, everything from SCUBA diving to
13 helicopters and physical training.

14 I think it pointed up something I
15 think many of us really are not aware of; and
16 that is, I think this is such a big state and
17 there are so many different activities that
18 we're just not aware of the scope of the State
19 Police and the size of the State Police.

20 In fact, during the last few
21 years when we went through probably -- well, not
22 probably -- it was the most difficult fiscal
23 crisis in New York's modern times, one of the

1 issues that came up year after year as we
2 engaged in the largest downsizing of state
3 government that any of us that have been here
4 have been involved in was the issue of the State
5 Police, to make sure -- and the Governor was as
6 adamant as any of us were in making sure that
7 the State Police were kept intact as possible.

8 I know that Mario Cuomo has
9 always felt extremely close to the State Police
10 as I think the Legislature. They are our chief
11 law enforcement body, and they have a proud old
12 tradition.

13 I guess from my perspective -
14 and, by the way, there seems to be some
15 confusion. I was not a member of the New York
16 State Police. I was a member of a local police
17 department. And, in fact, I believe I met Tom
18 Constantine, who is the head of the State
19 Police, when I was with that local police
20 department and he was a Trooper in Western New
21 York, and we have been friends ever since.

22 I guess my connection with the
23 State Police to a certain extent goes back many,

1 many years. My father, as many of you know, was
2 an Assemblyman, chairman of Codes in the
3 Assembly, and at that time the chairman of Codes
4 in the Assembly was particularly involved in not
5 only criminal justice matters but in law
6 enforcement matters.

7 My father had become a pretty
8 close friend of Tom Dewey, who was the Governor
9 of New York, and my father always claimed the
10 reason that Dewey and he got along so well is my
11 father was quite short and Dewey was quite
12 short, and he liked to have my father standing
13 next to him because he didn't look as if he was
14 that short when my father stood next to him. In
15 fact, one of the stories was that Dewey had
16 elevator shoes which, of course, he did to try
17 to enhance his height.

18 My father told me a story about a
19 fiscal period back I believe in the late years
20 of Dewey's administration, when he was about to
21 run for president and the times were kind of
22 tough, and it put the squeeze on a lot of things
23 in the state budget, and one of those was the

1 state police; and my father one afternoon went
2 in to the Governor and sat with the Governor and
3 they talked about the budget, and he turned to
4 the Governor and he said, "Governor, let me tell
5 you something. We need the State Police. It is
6 a proud organization that should be even
7 prouder, and my word to you is either pay them
8 or disband them." And Tom Dewey turned to my
9 father and laughed and said, "You know, you're
10 right. We better pay them."

11 And the reason I mention that is
12 that I think the commitment to the State Police
13 has been something that is longstanding in this
14 state and that should never be forgotten because
15 the State Police have given an awful lot to us
16 as citizens of this state.

17 A number of Troopers over the
18 years, and I have been at the funerals of some
19 of those Troopers, have unfortunately given
20 their lives for us. One very close friend of
21 mine who passed away at St. Peter's Hospital -
22 in fact, I was in the hospital myself right
23 underneath. Hank Williams, who died as I had a

1 burst appendix -- in fact, died right underneath
2 me in the hospital -- was a classic example of
3 the kind of dedication that was given to the
4 State Police. And as some of us said, he was
5 dealt a hand at the Attica Prison uprising that
6 really wasn't his hand, but he was willing to
7 take the brunt of some of the criticisms even
8 though he wasn't the one who really should have
9 taken the criticism.

10 Let me just say that we have
11 here, as I said, a number of people from the
12 State Police; and I would like to, frankly,
13 introduce them all; but obviously, we really
14 don't have time to do that, but I would like to
15 introduce the Superintendent of the State
16 Police, Tom Constantine, who has been in charge
17 of the operation for many years and who is, in
18 my opinion, one of the finest police officers in
19 this country. With him is Deputy Mike Houlihan,
20 who is the Deputy Superintendent and also a fine
21 Trooper and was in a Boy Scout Troop with
22 Senator Ron Stafford. Senator Stafford,
23 unfortunately, by the way, wanted to say that

1 he'd like to be here but he had to be off to New
2 York City. I said to Ron, even though he was in
3 the Boy Scout Troop with him, we still think
4 he's a good Trooper. But at any rate -

5 In the gallery, as I say, are a
6 number of the Troop Commanders, in fact most of
7 the Troop Commanders, who have been around most
8 of the day meeting with members. As the
9 Superintendent said to me, if there is anything
10 that anybody who wants to talk to any of his
11 people, they would be more than happy to do
12 that.

13 I would also like to finish up by
14 just saying that -- to thank a number of the
15 people from the State Police who helped to
16 organize this operation as well as Tom Collins
17 from my staff and Pat Gall from the Senate staff
18 who did yeoman work in organizing this
19 activity.

20 In finishing, I would just like
21 to say that it seems to me that we don't do
22 enough of thanking the people who serve us in
23 this state, and I am very proud of the fact that

1 we were able to have these State Police
2 recognition days, and there is really not a
3 finer police operation I don't think in the
4 United States of America than the State Police.

5 (Whereupon, Lieutenant Governor
6 Lundine was in the chair.)

7 THE PRESIDENT: Senator Waldon.

8 SENATOR WALDON: Thank you, Mr.
9 President.

10 To Superintendent Constantine, to
11 all of the personnel who are here. When John
12 Everhardt called me earlier today and said it
13 was time to come to the chamber, I knew exactly
14 what he was talking about because John
15 constantly reminds me of the greatness of the
16 New York State Troopers and what value they are
17 to the people of the state of New York.

18 It's interesting that today the
19 police officers, the State Troopers are the good
20 Samaritans, because you are called upon not only
21 to serve your fellow man, many times that person
22 being a stranger to you, but you are also called
23 upon to make the ultimate sacrifice when you

1 must put your life on the line to save someone
2 who is being victimized by the violent criminals
3 who are out there today.

4 So I applaud you. I applaud the
5 fact that Senator Marino and Senator Volker
6 would honor you on behalf of your excellence.
7 And, Superintendent, I want you to know that I
8 am impressed with the fact that you have 57
9 percent of your department, your force are
10 college-educated, that you have so many
11 doctorate degrees, that you clearly are meeting
12 the complexity of modern day crime with people
13 who are prepared for that.

14 In fact, I would encourage the
15 members of this body to let's follow suit and
16 try to be as excellent in our preparation as
17 obviously our New York State troopers are.

18 I applaud your being here. It
19 felt good to be among so many people who were in
20 harness today, having been in that situation so
21 many years of my life.

22 Good to see you guys.

23 THE PRESIDENT: Senator

1 Stachowski.

2 SENATOR STACHOWSKI: Mr.

3 President, I'd just like to rise and take the
4 opportunity of this resolution to thank the
5 State Police for their participation in a unit
6 that we have in Western New York called Alert,
7 which is a water response unit that covers all
8 of Lake Erie and all of the surrounding
9 waterways, and the State Police are an integral
10 part, and that has worked out so well in Western
11 New York and the Lake Erie area that there's now
12 an Alert 2 covering Lake Ontario, and the State
13 Police are also an important part of that.

14 And I'd like to thank Tom
15 Constantine for having his men so enthusiastic
16 about their part, and I know that he supports it
17 wholeheartedly, and the Troopers that are
18 involved have been nothing but a great asset,
19 and I just wanted to take this opportunity to
20 thank them for their participation.

21 THE PRESIDENT: Senator Galiber.

22 SENATOR GALIBER: Thank you, Mr.
23 President.

1 I want to take this opportunity
2 also to firstly thank our leadership for
3 bringing the Troopers here for these past two
4 years with us. Those of us who have been around
5 for a long, long while, and I have been, I can
6 recall the horrible experience at Attica left a
7 lot of bad feelings, and I have been honored and
8 privileged to know the State Troopers and honor
9 them for their excellence.

10 We went through some difficult
11 times, but there are those of us who recognize
12 that very thin line between the community in
13 general and the safety and the comfortable
14 feeling that we have when we know that you are
15 out there doing a magnificent job. And those of
16 us who from time to time have to vote on or
17 think about or decide whether or not we should
18 or should not increase, enhance, if you will,
19 budget, it's interesting that Dale Volker
20 indicated very clearly with his background in
21 law enforcement and my colleague, Senator
22 Waldon, in his background in law enforcement,
23 that never have we taken the position that we

1 should cut back in this particular area. In
2 fact, we should increase it, and we have watched
3 you through the years through excellent
4 leadership go further into the areas of concern
5 that we have had as far as law enforcement is
6 concerned.

7 So I wanted to add my voice today
8 to congratulate you for not only your mission
9 but your commitment and your excellence and your
10 commitment to public safety, and that's
11 extremely important to us in troubled times
12 because we are living in troubled times. So
13 congratulations to your leadership,
14 Superintendent, and those who supervise so many
15 men and women.

16 I was so happy to hear today, and
17 I had the figures backwards for a while, but
18 there are some over 100-and-some-odd women who
19 are troopers today. Some ten to fifteen years
20 ago, we would not hear about. It shows and
21 indicates that we are trying to include in our
22 Troopers, in our law enforcement arm here in New
23 York State, which represents the community, some

1 600 or so minorities, which, again, ten, fifteen
2 years ago did not exist.

3 So through proper leadership and
4 time -- and time is an extremely important
5 factor -- and those of us who are patient and
6 have watched you grow, we are proud to say that
7 we are part of New York State with some of the
8 finest law enforcement arms in the world,
9 certainly in the country if not in the world.
10 And thank you for joining us for the two days.

11 THE PRESIDENT: Senator Saland.

12 SENATOR SALAND: Mr. President, I
13 would be remiss if I did not afford myself the
14 opportunity to rise on this resolution. I would
15 be remiss not only as a member of this body, I
16 would be remiss on the part of the people whom I
17 represent and most directly on behalf of my
18 family.

19 Not too long ago, somewhere in
20 the area of about a year and a half ago, my son
21 was the victim of a rather terrible crime, one
22 which was caused by great violence and one which
23 left him extremely injured. The State Police

1 were an integral part of law enforcement effort
2 that brought his assailant to justice, and it
3 reaffirmed that which I had always believed and
4 always known, that to which a number of others
5 have alluded to here today, that the New York
6 State Police are one of the most extraordinarily
7 capable and one of the most finest law
8 enforcement entities you are going to find
9 anywhere.

10 My confidence in them has always
11 been extraordinary and, if anything, it's been
12 enhanced by what I have seen and experienced
13 first hand, not merely as one who gets to work
14 with them as an elected official but one who had
15 the misfortune of having a member of his family
16 cry out at a time of need and they responded and
17 responded admirably.

18 I would like to thank the
19 Superintendent, Superintendent Constantine, as I
20 have previously. I am forever in his debt. My
21 family is forever in his debt. I think the
22 people of the state of New York are forever in
23 the debt of the New York State Police.

1 We thank you wholeheartedly.

2 THE PRESIDENT: Senator Mega.

3 SENATOR MEGA: Mr. President. I
4 would like to add my thanks and congratulations
5 to the State Police and to Superintendent
6 Constantine, and the story that was just told to
7 you by Senator Saland is indicative of what they
8 do for everyone. Senator Saland didn't get any
9 special treatment. They treat everyone the same
10 way, and that's why they are the premier law en
11 forcement agency not only in the state of New
12 York but in the country as far as I'm concerned.

13 And we look to the State Police
14 as police that police upstate and in the
15 suburbs, but they come downstate. They work in
16 the City also and protect our constituencies,
17 those of us who represent a constituency in the
18 city of New York.

19 I was the chairman of the crime
20 and Corrections when Superintendent Constantine
21 was confirmed. I can attest to his
22 qualifications and his dedication, and his
23 record speaks for itself. He is someone who

1 came up from the ranks to lead the police, the
2 State Police of this state.

3 You do an outstanding job, all of
4 you, from the top to the bottom, and I
5 congratulate you and thank you for all that you
6 do for the people of the state of New York.

7 Thank you.

8 THE PRESIDENT: Senator Farley.

9 SENATOR FARLEY: Thank you, Mr.
10 President.

11 Let me say how pleased and
12 honored I am to have my constituent and neighbor
13 from Schenectady, the Superintendent, Tom
14 Constantine, and also in my judgment one of the
15 finest superintendents this State Police force
16 has ever had; and, of course, the Deputy
17 Superintendent, an Irish-American Boy Scout with
18 Senator Stafford, that's also very impressive,
19 Superintendent Houlihan.

20 But up in the gallery, we have
21 the leaders that make this one of the finest
22 police forces in the whole United States if not
23 the world, and I just want my colleagues to know

1 that two of those fellows up there, a Colonel
2 and a Major, were both my students. So you can
3 see how well they have done particularly if they
4 take my class.

5 But I wish them well. We're
6 honored. We're honored to have them here; and
7 as you can see, the entire Senate is so very
8 proud of this magnificent police force.

9 THE PRESIDENT: Senator Cook.

10 SENATOR COOK: Mr. President,
11 perhaps in the context of all of the things that
12 are being said what I'm going to say is a little
13 bit awkward, but I think we ought to say it
14 because, in our area, we have had a bit of a, I
15 guess you'd have to call it, scandal that
16 involves the State Police. I think this is an
17 indication of how the exception proves the
18 rule.

19 And I just am rising because I
20 want to reassure those members of the State
21 Police who are here that the public understands
22 exactly what has happened, that there were a few
23 individuals who unfortunately did not carry out

1 their duties as was expected, and we admire the
2 professional way in which the State Police have
3 done what they always did, and that was to
4 pursue the problem, to clean their own house, to
5 move as strongly and as firmly against people
6 who were members of their own agency as they
7 would have anybody else in the state and had
8 violated the law, and they have restored public
9 confidence totally, and I have nothing but
10 admiration for them. I think that this
11 incident, if anything, has simply proven what a
12 great organization they are.

13 THE PRESIDENT: Senator Daly.

14 (There was no response.)

15 Senator Hoffmann.

16 SENATOR HOFFMANN: Thank you, Mr.
17 President.

18 My compliments go out to Senator
19 Marino and Senator Volker for arranging this
20 very important opportunity for us to all offer
21 our personal appreciation and the appreciation
22 of our constituents to the New York State
23 Police.

1 I had the pleasure of being able
2 to hand a copy of a letter that I had sent not
3 too long ago to Superintendent Constantine to
4 the Troop D Commander, Major Al Fileman. Before
5 I was aware of today's activities, I felt it was
6 important to put pen in hand and write a little
7 thank you note, probably something that some of
8 us should do more often, but I was so impressed
9 with the activities of Troop D under the command
10 of Major Fileman over these last few weeks of
11 several very difficult disasters that I thought
12 it was worth noting some of the specific acts of
13 cooperation above and beyond the call of duty,
14 activities that I had personally observed and
15 had heard about from some of the people that I
16 represent in Oneida, Madison and Onondaga
17 County.

18 We take for granted, those of us
19 in government, that the State Police are always
20 there, and we take for granted that they are
21 willing to make that extra measure for public
22 safety, but it is important on an occasion like
23 this for us to let people know that we do not

1 take for granted the high degree of dedication
2 that you have demonstrated year in and year out,
3 and in spite of any other problems that exist
4 out there in the public, you have our continued
5 trust and our support and, I'm sure, to an
6 individual in this chamber, our undying
7 gratitude.

8 THE PRESIDENT: Senator Smith.

9 SENATOR SMITH: Thank you, Mr.
10 President.

11 I, too, would like to add my
12 voice to those commending my colleagues, Senator
13 Marino and Volker, for bringing forth today New
14 York's finest and to thank Superintendent
15 Constantine for the great work that he has done
16 but especially to the men who are out there on
17 the front lines who we can proudly say represent
18 the best of New York, and especially to my
19 constituent, Captain Cook, who has done so much
20 to be a role model for the young people of our
21 community and who gives of himself not only as
22 an officer but as a very dedicated person not
23 only to the State Police but to all New

1 Yorkers. I say that he truly exemplifies your
2 mission statements as all of you do.

3 Thank you for being here today.

4 THE PRESIDENT: Senator
5 Montgomery.

6 SENATOR MONTGOMERY: Yes. Thank
7 you, Mr. President.

8 I would just like to briefly add
9 my congratulations to Superintendent Constantine
10 and his officers for the wonderful work that
11 they do, and especially as a woman who travels
12 often between Albany and New York City at night,
13 it is extremely comforting to know that I see
14 you frequently on the highway. I feel a certain
15 sense of safety and being protected, and if
16 anything should happen, I know that you are
17 going to be there and I appreciate that.

18 I also want to say that I know
19 that Superintendent Constantine has worked with
20 us, especially in this house and I think those
21 members of the Black and Puerto Rican Caucus, in
22 particular, as it relates to trying to do a very
23 particular outreach to members of my district or

1 especially minority young people to get them
2 interested in being involved in the career of
3 State Police. And my chief assistant who is in
4 my Albany office is married to one of your fine
5 officers, and I would like to see much more of
6 that, and I certainly extend my hand to continue
7 working with you as we move to try and get even
8 more young people especially from the inner city
9 areas in our state involved and interested in
10 becoming one of the fine members of the New York
11 State Police.

12 So I thank you for the work that
13 you have already done. I look forward to
14 continuing to work with you, and I am certainly
15 proud indeed of the men who represent New York
16 State in the most visible way and that is as
17 members of the New York State Police.

18 Thank you, Mr. President.

19 THE PRESIDENT: Senator Libous.

20 SENATOR LIBOUS: Thank you, Mr.
21 President. I would just like to add what my
22 colleagues have said this afternoon about the
23 Superintendent and the fine work that the men

1 and women do for the New York State Police in
2 protecting the citizens of this state.

3 I've had the pleasure of working
4 with Superintendent Constantine on a number of
5 pieces of legislation that deal with alcoholism
6 and drug abuse; and I know tomorrow, as a matter
7 of fact, he will be addressing our Senate
8 committee in dealing with tougher legislation as
9 it pertains to DWI and how it affects the
10 citizens of our state.

11 So to the Superintendent and
12 particularly the folks in Troop C which I
13 represent back in the Broome County-Sidney area,
14 I would like to also tip my hat to the men and
15 women from the New York State Police who protect
16 us on a daily basis.

17 THE PRESIDENT: The question
18 occurs on the resolution.

19 Senator Onorato.

20 SENATOR ONORATO: Mr. President,
21 I too would like to rise and congratulate
22 Senator Volker. I know as an outstanding former
23 police officer himself, he knows full well what

1 the New York State Troopers have done for this
2 state.

3 I want to congratulate them, and
4 I also want to tell them how much we appreciate
5 the outstanding work and the exemplary example
6 that they have set for the rest of the nation.
7 I think New York State can hold its head up high
8 by producing the finest New York State Troopers
9 in the entire country and I, too, join in
10 seconding this resolution.

11 THE PRESIDENT: Senator Sears.

12 SENATOR SEARS: Thank you, Mr.
13 President. Very briefly, because everything
14 that has to be said has been said.

15 Just let me say that I respect
16 the job that you fellows do and the way you put
17 your life on the line every single day, and I
18 have said many times I am one Senator that goes
19 to bed every night thankful that you are out
20 there 24 hours a day.

21 So for all you do, this day's for
22 you. Congratulations on a job well done.

23 THE PRESIDENT: Senator Volker.

1 SENATOR VOLKER: Mr. President,
2 if I might, just on behalf of Senator Marino who
3 wanted to be here but could not be here today, I
4 want to offer his congratulations to the
5 Superintendent and to all the members of the
6 State Police and also to thank the State Police
7 for giving us John Everhardt, who is in charge
8 of protecting this chamber for so long.

9 John, of course, is a young man,
10 but as the Majority Leader made sure that I
11 inform everybody he is a young man who is a
12 former sergeant of the State Police, I think as
13 everybody knows, and we have always been proud
14 to have him here and other members of the State
15 Police who help protect us, and we want to make
16 sure that they are recognized on this day also.

17 And I just want to finish up by
18 saying that I'm very proud of all the members
19 here for what you have done to make this day a
20 better day for the people who are here from the
21 State Police.

22 And, once again, finish by
23 thanking you, Tom, for your cooperation and for

1 all you've done for the people of the state.

2 THE PRESIDENT: The question
3 occurs on the adoption of the resolution by
4 Senator Volker. All those in favor, say aye.

5 (Response of "Aye.")

6 Opposed, nay.

7 (There was no response.)

8 The ayes have it. The resolution
9 is adopted.

10 (Applause)

11 THE PRESIDENT: Senator Present.

12 SENATOR PRESENT: Mr. President,
13 will you recognize Senator Farley, please.

14 THE PRESIDENT: Senator Farley.

15 SENATOR FARLEY: Mr. President, I
16 have a privileged resolution at the desk, if you
17 will please read the title and adopt it.

18 THE PRESIDENT: Secretary will
19 read.

20 THE SECRETARY: Legislative
21 resolution, by Senator Farley, honoring Father
22 John Malachy Crable upon the occasion of the 40
23 Anniversary of his ordination to the

1 priesthood.

2 THE PRESIDENT: On the
3 resolution. All those in favor, say aye.

4 (Response of "Aye.")

5 Opposed, nay.

6 (There was no response.)

7 The ayes have it. The resolution
8 is adopted.

9 Senator Present.

10 SENATOR PRESENT: Mr. President,
11 will you recognize Senator Tully, please.

12 THE PRESIDENT: Senator Tully.

13 SENATOR TULLY: Yes, Mr.

14 President. I have a privileged resolution at
15 the desk. I ask that its title be read, at the
16 conclusion of which, I would open the resolution
17 sponsorship to all of my colleagues and ask for
18 its immediate passage.

19 THE PRESIDENT: Secretary will
20 read.

21 THE SECRETARY: Legislative
22 Resolution, by Senator Tully, paying tribute to
23 Lisa Marie Becker upon the occasion of her

1 selection as recipient of the 1993 New York
2 State Elk Teen of the Year Award.

3 THE PRESIDENT: On the
4 resolution. All those in favor, say aye.

5 (Response of "Aye.")

6 Opposed, nay.

7 (There was no response.)

8 The ayes have it. The resolution
9 is adopted.

10 Senator Present.

11 SENATOR PRESENT: Mr. President,
12 will you recognize Senator Larkin, please.

13 THE PRESIDENT: Senator Larkin.

14 SENATOR LARKIN: Mr. President, I
15 have a privileged resolution at the desk. I
16 would appreciate it if you read the title.

17 THE PRESIDENT: Secretary will
18 read.

19 THE SECRETARY: Legislative
20 Resolution, by Senators Larkin, Cook, and
21 Holland, commemorating the New York State Troop
22 F Headquarters Memorial Service on May 29, 1993.

23 THE PRESIDENT: On the

1 resolution. All those in favor, say aye.

2 (Response of "Aye.")

3 Those opposed, nay.

4 (There was no response.)

5 The ayes have it. The resolution
6 is adopted.

7 Senator Present.

8 SENATOR PRESENT: Mr. President,
9 will you recognize Senator Stachowski, please.

10 THE PRESIDENT: Senator
11 Stachowski.

12 SENATOR STACHOWSKI: Mr.
13 President. I have a privileged resolution at
14 the desk, and I would ask if the title could
15 please be read.

16 THE PRESIDENT: Secretary will
17 read.

18 THE SECRETARY: Legislative
19 Resolution, by Senator Stachowski and others,
20 honoring the Make a Wish Foundation of Western
21 New York for exhibiting exemplary service and
22 tireless effort in helping children with
23 life-threatening illnesses to fulfill their

1 dreams.

2 THE PRESIDENT: On the
3 resolution. All those in favor, say aye.

4 (Response of "Aye.")

5 Opposed, nay.

6 (There was no response.)

7 The ayes have it. The resolution
8 is adopted.

9 SENATOR TRUNZO: Mr. President.

10 THE PRESIDENT: Senator Trunzo.

11 SENATOR TRUNZO: I would like to
12 place a sponsor star on Calendar Number 310.

13 THE PRESIDENT: The bill is
14 starred.

15 Senator Stavisky.

16 SENATOR STAVISKY: Mr. President,
17 I should like the record to reflect that if I
18 had been in the chamber yesterday, I would have
19 voted in the negative on Calendar 909.

20 THE PRESIDENT: Without
21 objection, so ordered.

22 Senator Sears.

23 SENATOR SEARS: Yes, Mr.

1 President. On page 25, Calendar 798, Print
2 Number 4079, would you please star the bill.

3 THE PRESIDENT: Bill is starred.
4 Senator Mega.

5 SENATOR MEGA: On behalf of
6 Senator Mega, on page 26, I offer the following
7 amendments to Calendar Number 824, Assembly
8 Print Number 3769, and ask that said bill retain
9 its place on Third Reading Calendar.

10 THE PRESIDENT: Without
11 objection, so ordered.

12 Senator Seward.

13 SENATOR SEWARD: I would like to
14 place a sponsor star on Calendar Number 445.

15 THE PRESIDENT: The bill is
16 starred.

17 SENATOR SEWARD: Thank you.

18 THE PRESIDENT: Senator Present.

19 SENATOR PRESENT: Mr. President,
20 can we go to the non-controversial calendar,
21 please.

22 THE PRESIDENT: Secretary will
23 read.

1 THE SECRETARY: On page 4,
2 Calendar Number 55, by member of the Assembly
3 Pordum, Assembly Bill Number 1941A, authorizing
4 the directors of the Gowanda Masonic Building
5 Corporation to petition for judicial
6 dissolution.

7 THE PRESIDENT: Read the last
8 section.

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

11 THE PRESIDENT: Call the roll.
12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 51.

14 THE PRESIDENT: The bill is
15 passed.

16 THE SECRETARY: Calendar Number
17 63, by Senator Levy.

18 SENATOR STACHOWSKI: Lay it
19 aside.

20 THE PRESIDENT: The bill is laid
21 aside.

22 THE SECRETARY: Calendar Number
23 277, by Senator Levy, Senate Bill Number 195D,

1 an act to amend the Vehicle and Traffic Law, in
2 relation to re-examination and disqualification
3 of certain bus drivers.

4 THE PRESIDENT: Read the last
5 section.

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

8 THE PRESIDENT: Call the roll.
9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 52.

11 THE PRESIDENT: The bill is
12 passed.

13 THE SECRETARY: Calendar Number
14 465, by Senator Hannon.

15 SENATOR STACHOWSKI: Lay it
16 aside.

17 SENATOR PRESENT: Lay it aside
18 for the day.

19 THE PRESIDENT: The bill is laid
20 aside for the day.

21 SENATOR LEICHTER: Mr. President.

22 THE PRESIDENT: Senator
23 Leichter.

1 SENATOR LEICHTER: If I can ask
2 the Majority Leader. Do we still have a rule
3 that bills can only be laid aside three days in
4 a row and then they are automatically starred or
5 off the calendar?

6 THE PRESIDENT: I'm not aware of
7 such a rule. The practice, I'm advised, is when
8 it is asked that the bill be laid aside for a
9 day to be brought up, it will be brought up the
10 next day.

11 SENATOR LEICHTER: Well, Mr.
12 President, my inquiry goes beyond that; which
13 is, that if that occurs three days in a row that
14 the bill is supposed to be automatically off the
15 calendar. That was my understanding of the
16 rules of the Senate.

17 SENATOR PRESENT: Mr. President.

18 THE PRESIDENT: Senator Present.

19 SENATOR PRESENT: I believe that
20 only applies if the sponsor lays it aside three
21 days in a row.

22 SENATOR LEICHTER: Excuse me, Mr.
23 President. Just to answer the distinguished

1 acting Majority Leader, we did not ask him to
2 lay it aside for the day. We've laid it aside
3 to the second reading. And it is the sponsor
4 who has laid it aside now for more than three
5 days.

6 SENATOR PRESENT: No, I laid it
7 aside for the day.

8 SENATOR LEICHTER: We did not ask
9 to have it laid aside for the day.

10 SENATOR PRESENT: I am laying it
11 aside.

12 SENATOR LEICHTER: Well, I don't
13 know if there is a distinction here. It may be
14 a difference without a distinction whether it's
15 Senator Present as Acting Majority Leader, or
16 the Republican sponsor of the bill.

17 THE PRESIDENT: I think we have
18 that matter clarified and will proceed with the
19 calendar.

20 Senator Libous.

21 SENATOR LIBOUS: Mr. President,
22 could I please have unanimous consent to be
23 recorded in the negative on Calendar Number 277,

1 the bill that just passed.

2 THE PRESIDENT: Without
3 objection, so ordered.

4 Senator Farley.

5 SENATOR FARLEY: Same for me,
6 277.

7 SENATOR SEWARD: Mr. President.

8 SENATOR FARLEY: I would like to
9 be in the negative on 277.

10 THE PRESIDENT: 277? Without
11 objection, so ordered.

12 SENATOR SEWARD: Mr. President.

13 THE PRESIDENT: Senator Seward.

14 SENATOR SEWARD: I would ask the
15 same request, to be voted in the negative on
16 Calendar 277.

17 THE PRESIDENT: Without
18 objection, so ordered.

19 Senator Wright.

20 SENATOR WRIGHT: I would make the
21 same request on 277.

22 THE PRESIDENT: Without
23 objection, so ordered.

1 Senator Sears.

2 SENATOR SEARS: I make the same
3 request.

4 THE PRESIDENT: Without
5 objection, so ordered.

6 Just not to prolong this, but to
7 Senator Leichter's request for information.
8 Under Rule A (7) (b), it provides, "A bill which
9 has been laid aside by other than the Temporary
10 President for five working days on the calendar
11 on the order of third reading shall be
12 automatically starred, except when a bill has
13 been laid aside on an announced noncontroversial
14 reading of the calendar," and then it goes on to
15 talk about removing the star.

16 Now, the Secretary will proceed
17 with the non-controversial calendar.

18 THE SECRETARY: Calendar Number
19 501, by Senator LaValle, Senate Bill Number
20 4015, an act to amend the Real Property Law.

21 THE PRESIDENT: What calendar
22 number is this?

23 (Response of "501.")

1 Thank you.

2 Read the last section.

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

5 THE PRESIDENT: Call the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 54.

8 THE PRESIDENT: The bill is
9 passed.

10 THE SECRETARY: Calendar Number
11 588, by Senator Kuhl.

12 SENATOR STACHOWSKI: Lay it
13 aside.

14 THE PRESIDENT: The bill is laid
15 aside.

16 SENATOR DALY: Mr. President.

17 THE PRESIDENT: Senator Daly.

18 SENATOR DALY: May I be voted in
19 the negative on Bill 277.

20 THE PRESIDENT: Without
21 objection, so ordered.

22 SENATOR STACHOWSKI: Mr.
23 President.

1 THE PRESIDENT: Senator
2 Stachowski.

3 SENATOR STACHOWSKI: With
4 unanimous consent, can I please be recorded in
5 the negative on Calendar 277?

6 THE PRESIDENT: Without
7 objection, it's so ordered.

8 THE SECRETARY: Calendar Number
9 610, by member of the Assembly Weinstein,
10 Assembly Bill Number -

11 SENATOR PRESENT: Lay it aside.

12 THE PRESIDENT: The bill is laid
13 aside.

14 THE SECRETARY: Calendar Number
15 698, by Senator Libous, Senate Bill Number
16 3928B, an act to amend the Mental Hygiene Law.

17 THE PRESIDENT: Read the last
18 section.

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

21 THE PRESIDENT: Call the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 54.

1 THE PRESIDENT: The bill is
2 passed.

3 THE SECRETARY: Calendar Number
4 713, by member of the Assembly Colman, Assembly
5 Bill Number 672, Insurance Law, in relation to
6 motor vehicle liability and collision insurance
7 premiums.

8 THE PRESIDENT: Read the last
9 section.

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

12 THE PRESIDENT: Call the roll.
13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 54.

15 THE PRESIDENT: The bill is
16 passed.

17 THE SECRETARY: Calendar Number
18 738, by Senator Spano, Senate Bill Number 3118,
19 an act to amend the State Finance Law.

20 THE PRESIDENT: Read the last
21 section.

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

1 THE PRESIDENT: Call the roll.
2 (The Secretary called the roll.)
3 THE SECRETARY: Ayes 53, nays 1,
4 Senator Kuhl recorded in the negative.
5 THE PRESIDENT: The bill is
6 passed.
7 THE SECRETARY: Calendar Number
8 740, by Senator Cook, Senate Bill Number 4328,
9 an act to amend the Executive Law, in relation
10 to reports by registered charitable
11 organizations.
12 THE PRESIDENT: Read the last
13 section.
14 THE SECRETARY: Section 2. This
15 act shall take effect immediately.
16 THE PRESIDENT: Call the roll.
17 (The Secretary called the roll.)
18 THE SECRETARY: Ayes 54.
19 THE PRESIDENT: The bill is
20 passed.
21 THE SECRETARY: Calendar Number
22 745, by Senator Libous, Senate Bill Number
23 3002A, Real Property Tax Law.

1 THE PRESIDENT: Read the last
2 section.

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

5 THE PRESIDENT: Call the roll.
6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 54.

8 THE PRESIDENT: The bill is
9 passed.

10 THE SECRETARY: Calendar Number
11 756, by Senator Levy, Senate Bill Number 3884.

12 SENATOR PRESENT: Lay it aside.

13 THE PRESIDENT: The bill is laid
14 aside.

15 THE SECRETARY: Calendar Number
16 782, by Senator Lack, Senate Bill Number 4818,
17 an act to amend the Workers' Compensation Law.

18 SENATOR STACHOWSKI: Lay it
19 aside.

20 THE PRESIDENT: The bill is laid
21 aside.

22 THE SECRETARY: Calendar Number
23 816, by Senator Skelos, Senate Bill Number

1 1156.

2 SENATOR STACHOWSKI: Lay it

3 aside.

4 THE PRESIDENT: The bill is laid

5 aside.

6 THE SECRETARY: Calendar Number

7 818, by Senator Johnson, Senate Bill Number

8 1898.

9 SENATOR STACHOWSKI: Lay it aside.

10 THE PRESIDENT: The bill is laid

11 aside.

12 THE SECRETARY: Calendar Number

13 843, by Senator Cook, Senate Bill Number 4324,

14 Real Property Tax Law.

15 THE PRESIDENT: Read the last

16 section.

17 THE SECRETARY: Section 2. This

18 act shall take effect immediately.

19 THE PRESIDENT: Call the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 54.

22 THE PRESIDENT: The bill is

23 passed.

1 THE SECRETARY: Calendar Number
2 904, by Senator Sheffer, Senate Bill Number
3 1818, Education Law, in relation to mandatory
4 continuing education for pharmacy.

5 THE PRESIDENT: Read the last
6 section.

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

9 THE PRESIDENT: Call the roll.
10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 54.

12 THE PRESIDENT: The bill is
13 passed.

14 That completes action on the
15 non-controversial bills.

16 Senator Present.

17 SENATOR PRESENT: Let's take the
18 controversial calendar, please.

19 THE PRESIDENT: Secretary will
20 read.

21 THE SECRETARY: On page 4,
22 Calendar Number 63, by Senator Levy, Senate Bill
23 Number 191, an act to amend the Vehicle and

1 Traffic Law, in relation to criminal history
2 checks on school bus attendants.

3 SENATOR STACHOWSKI: Explanation.

4 SENATOR LEVY: Senator
5 Stachowski, unfortunately -

6 THE PRESIDENT: Explanation.
7 Senator Levy.

8 SENATOR LEVY: I'm sorry.

9 THE PRESIDENT: I just was
10 calling on you.

11 SENATOR LEVY: As I started to
12 say, unfortunately this bill each year is before
13 this house because it passes this house
14 overwhelmingly and then goes over to the
15 Assembly where it is never taken up, discussed,
16 and voted upon.

17 The genesis of this bill -- and I
18 can talk about my region, but I'm sure that each
19 of us can look at our Senatorial Districts or
20 the regions that we represent and see
21 counterparts of what led to this legislation.
22 What happened in my district and it happened on
23 more than one occasion has been that bus drivers

1 and/or attendants on buses -- and, most
2 recently, when we made amendments five or six
3 years ago to 19A, we've covered bus drivers but
4 we haven't covered bus attendants, and we have
5 repeated instances throughout the state of the
6 sexual molestation of children riding on school
7 buses by convicted felons who have not only
8 felony convictions for sexual-type cases but
9 other felony convictions, and then they commit a
10 felony on a child riding on a school bus.

11 So all this bill does is say if
12 you are an attendant that wants to work on a
13 school bus transporting children, like the bus
14 driver you should be fingerprinted and you
15 should come under the 19A provisions as it
16 relates to convictions for serious crime.

17 SENATOR STACHOWSKI: Mr.
18 President.

19 ACTING PRESIDENT FARLEY: Senator
20 Stachowski.

21 SENATOR STACHOWSKI: On the
22 bill. I'd just like to point out that the bill
23 is opposed by the CSEA, New York State AFSCME,

1 and last year an identical bill was opposed by
2 Senator Connor, Senator Gold, Senator Hoffmann,
3 Senator Leichter, Senator Mendez, Senator Mont
4 gomery, Senator Ohrenstein and Senator Smith.

5 ACTING PRESIDENT FARLEY: Read
6 the last section.

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

9 ACTING PRESIDENT FARLEY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Those recorded in
13 the negative on Calendar Number 63 are Senators
14 Galiber, Gold, Hoffmann, Jones, Leichter,
15 Markowitz, Montgomery, Ohrenstein, Smith and
16 Stavisky. Ayes 44, nays 10.

17 ACTING PRESIDENT FARLEY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 588, by Senator Kuhl, Senate Bill Number 3539,
21 Agriculture and Markets Law.

22 SENATOR STACHOWSKI: Explanation.

23 ACTING PRESIDENT FARLEY:

1 Explanation. Senator Kuhl.

2 SENATOR KUHL: Yes, Mr.

3 President. The concept of this bill is rather
4 simple and not very complex. I will read from

5 the purpose of the bill section of the memo

6 which says it very, very succinctly. It says,

7 "This legislation recognizing that agricultural

8 lands are irreplaceable state assets protects

9 lands under agricultural production from the

10 potentially harmful effects of the application

11 of certain wastes by prohibiting the application

12 of sludge, septage, or sewage sludge on land

13 under agricultural production located within..."

14 and this is important, "... located within

15 agricultural districts or receiving an

16 agricultural assessment."

17 ACTING PRESIDENT FARLEY: Senator

18 Stachowski.

19 SENATOR STACHOWSKI: Mr.

20 President, I would merely like to point out that

21 this bill is opposed by DEC strongly, Wheel

22 Abater Environmental Systems, Inc., New York

23 State Association of Counties and NYCOM.

1 SENATOR SHEFFER: Mr. President.

2 ACTING PRESIDENT FARLEY: Senator
3 Sheffer.

4 SENATOR SHEFFER: I believe
5 strongly that this is a critically important
6 bill on its merits and on its purpose. I would
7 like to add, though, a very practical
8 consideration in support of Senator Kuhl's
9 bill. I am looking at a letter dated less than
10 a month ago from Farm Credit of North Central
11 New York. I think it's true that Farm Credit is
12 the largest lender in the state and in the
13 country, and they say, "It is for these reasons
14 that Farm Credit throughout thirteen
15 northeastern states have recently included a
16 prohibition in our mortgages against spreading
17 sludge on property mortgaged to Farm Credit."

18 In the effort not only to keep
19 our farms clean but to keep them mortgage- able,
20 I think it's of great importance that this house
21 support this important bill.

22 ACTING PRESIDENT FARLEY: Senator
23 DeFrancisco.

1 SENATOR DeFRANCISCO: Thank you,
2 sir. I intend to support this bill, but I
3 wanted to make one point. I believe there is
4 some sludge that's treated that is approved by
5 the -- the process is approved by the EPA.
6 There is no exception to that type of situation,
7 and it was brought to my attention by the County
8 Executive of Onondaga County that this bill
9 could be a better bill if there was an
10 additional exception in situations where the
11 process has been approved by the EPA. Under
12 those circumstances, assuming that the EPA is
13 doing their job, the health considerations will
14 be taken care of and also allocation for some of
15 this material would be available.

16 So I intend to support the bill,
17 however, I would just indicate for the record
18 that I think it could have been a better bill if
19 we had that amendment.

20 ACTING PRESIDENT FARLEY: Senator
21 Dollinger.

22 SENATOR DOLLINGER: Mr.
23 President. Will the sponsor yield to a

1 question?

2 ACTING PRESIDENT FARLEY: Senator
3 Kuhl, will you yield?

4 SENATOR KUHL: Certainly.

5 SENATOR DOLLINGER: Senator, I
6 have followed somewhat closely a lawsuit in the
7 Western District of New York in Rochester that
8 dealt with the airborne pollution and the smell
9 that's associated with agricultural products,
10 and I think in that case specifically manure.

11 Does this bill in any way affect
12 that lawsuit or the issues? Are you familiar
13 with that lawsuit? I know it was closely
14 followed by the Farm Bureau. Does it affect
15 those issues, to your knowledge?

16 SENATOR KUHL: No.

17 SENATOR DOLLINGER: This deals
18 just with the sludge issue?

19 SENATOR KUHL: Yes.

20 SENATOR DOLLINGER: Thank you.

21 ACTING PRESIDENT FARLEY: Read
22 the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT FARLEY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 52, nays 2,
6 Senators Leichter and Solomon recorded in the
7 negative.

8 ACTING PRESIDENT FARLEY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 610, by member of the Assembly Weinstein,
12 Assembly Bill Number 6989A, Civil Service Law,
13 in relation to the certification of certain
14 employee organizations.

15 ACTING PRESIDENT FARLEY: Read
16 the last section.

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

19 ACTING PRESIDENT FARLEY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 54.

23 ACTING PRESIDENT FARLEY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 756, by Senator Levy.

4 SENATOR COOK: Mr. President,
5 would you star that on behalf of the sponsor,
6 please.

7 ACTING PRESIDENT FARLEY: Star
8 the bill at the request of the sponsor.

9 THE SECRETARY: Calendar Number
10 782, by Senator Lack, Senate Bill Number 4818,
11 Workers' Compensation Law.

12 SENATOR PRESENT: Lay it aside
13 temporarily.

14 ACTING PRESIDENT FARLEY: Lay it
15 aside temporarily.

16 THE SECRETARY: Calendar Number
17 816, by Senator Skelos, Senate Bill Number 1156,
18 Executive Law and the Penal Law.

19 SENATOR PRESENT: Explanation.

20 ACTING PRESIDENT FARLEY:
21 Explanation has been asked for.

22 Senator Skelos.

23 SENATOR SKELOS: Mr. President,

1 this bill which has passed this house on several
2 occasions provides that subject to a court
3 order, a non-indigent criminal sentenced to
4 probation shall reimburse a county or the city
5 the actual cost of their supervision during
6 their probationary period.

7 ACTING PRESIDENT FARLEY: Senator
8 Galiber.

9 SENATOR GALIBER: Senator, do you
10 have any idea what the cost would be for this,
11 what they would have to pay for this
12 supervision?

13 SENATOR SKELOS: I would say it's
14 probably next to nothing, because the probation
15 department is involved in the process of making
16 recommendations to the court as to whether the
17 person should be put on probation. When that's
18 determined, when also it should be determined
19 whether the person is non-indigent and can pay,
20 would happen at the time the court is making the
21 decision as to probation.

22 SENATOR GALIBER: In other words,
23 there is no scale? Some judges will say, "costs

1 of..." "Court costs of...", and there's a scale
2 to go by. So it could be anything at all.

3 SENATOR SKELOS: It would be the
4 discretion of the court.

5 SENATOR GALIBER: Senator yield
6 for another question?

7 SENATOR SKELOS: Sure.

8 SENATOR GALIBER: Do you think
9 that we should leave this kind of discretion of
10 the court as to what a person who is on
11 probation will pay?

12 SENATOR SKELOS: Let me use as an
13 example. I believe in Nassau County the average
14 cost is about \$250.

15 SENATOR GALIBER: For how long?

16 SENATOR SKELOS: For a year.

17 SENATOR GALIBER: For a year?

18 SENATOR SKELOS: Yes.

19 SENATOR GALIBER: What happens if
20 a person -- if I read the bill correctly, it was
21 a couple of days ago I was trying to put this
22 together. If a person is, as part of the
23 condition for probation, if he or she does not

1 pay that, is that grounds for revocation to be
2 put back into -- not back in -- your bill says
3 back into, but probation is in lieu of going to
4 jail.

5 SENATOR SKELOS: Yes. It could
6 be at the discretion of the court.

7 SENATOR GALIBER: At the
8 discretion of the court?

9 SENATOR SKELOS: Yes.

10 SENATOR GALIBER: What will this
11 money go to pay?

12 SENATOR SKELOS: Goes back to the
13 county or the city.

14 SENATOR GALIBER: Does it
15 actually get back to the county? There are some
16 who have suggested that it gets kind of
17 quagmired in the system and it never gets back
18 to where I think you intend it to -

19 SENATOR SKELOS: It's the
20 intention of the sponsor that it would go back
21 to the municipality.

22 SENATOR GALIBER: But if I told
23 you that it did not go back to the municipality,

1 would you still go forward with this bill?

2 SENATOR SKELOS: Well, since it's
3 not the law yet, I don't know if I can make that
4 determination.

5 SENATOR GALIBER: But I think
6 that -

7 SENATOR SKELOS: If that occurs,
8 then you and I can certainly revisit it.

9 SENATOR GALIBER: Because,
10 Senator, it's been my limited experience to find
11 that that money somewhere along the line gets up
12 in that monstrous place called Office of Court
13 Administration. It's like the lotto being
14 earmarked for education. It goes into a general
15 fund.

16 And I feel strongly about
17 probation as you do. I'm not crazy about the
18 way that you are going about doing it, but we've
19 taken some \$10 million away from probation at
20 the time when we're seeking alternatives. They
21 need all the help they can possibly get.

22 Outside of instinctively,
23 perhaps, being opposed to that bill because so

1 many people coming out of our institutions -
2 well, this wouldn't be -- this is probation, so
3 it would be in lieu of or prior to going to jail
4 if they ever did go to jail to pay for this
5 supervision. But the money not to get back to
6 the court is some concern of mine. I'm sure it
7 would be a concern of yours.

8 SENATOR GOLD: Mr. President.

9 ACTING PRESIDENT FARLEY: Senator
10 Gold.

11 SENATOR GOLD: Mr. President, as
12 a matter of philosophy, I certainly understand
13 where Senator Skelos is coming from. However,
14 while I think it's very important that we make
15 philosophical statements from time to time, I
16 think that in these fiscal times it is more
17 important that we really be fiscally
18 responsible. The bill attempts to be fiscally
19 responsible by attempting to raise money.
20 Unfortunately, what is involved in raising the
21 money is more costly than the money.

22 For that reason, the city of New
23 York which these days is obviously not throwing

1 away money, files a memorandum in opposition.

2 The examples it gives I'm going to give you
3 right now.

4 "In this bill, for example, the
5 Office of Court Administration will be required
6 to set up an entire new hearing examiner
7 structure to enforce the reimbursement.
8 Probationers would have the right to counsel in
9 all of these matters, and so indigent defense
10 costs of the Legal Aid Society and the Section
11 18-B attorney panels paid by the city would
12 increase. Currently, those costs are already
13 approximately \$450 per case. Probation staffing
14 would be required to screen, counsel and
15 participate in enforcement of the reimbursement
16 requirements. The City Department of Probation
17 estimated in January of this year that
18 approximately one-third of its supervision case
19 load was employed. Therefore, it is a very
20 small group of the total eligible population who
21 would actually contribute reimbursement, and the
22 remainder would probably be exempt.

23 "In addition, the order of

1 priority established by the bill leaves the
2 supervision fee repayment at a very low level.
3 Total costs of the city probationers who would
4 be required to pay make it unlikely that most
5 would earn enough discretionary income under the
6 bill definition to make repayment a realistic
7 possibility.

8 "Costs of each of the items
9 which comprise the total actual expenditures for
10 food, medical care, and other Department of
11 Corrections detention costs are at present
12 approximately \$40 a day excluding medical.

13 "As indicated above, the legal
14 defense costs for indigent defendants are
15 approximately \$450 per criminal case.
16 Supervision costs average approximately \$24 per
17 contact required by the state. Since the number
18 of state-mandated contacts varies by risk level,
19 that per contact cost can result in a total cost
20 per month that is large and does not take into
21 account field supervision contacts or drug
22 treatment services available to some
23 probationers.

1 "In response to a steadily
2 increasing supervision cost, the City has been
3 working over two fiscal years to move the
4 probation system to its more effective, less
5 expensive supervision programming. A major
6 adult services restructuring initiative is under
7 way to provide concentrated services and
8 supervision of highest risk probationers.

9 "The City believes that the
10 ultimate goal of fee-based programs should be
11 the elimination of supervision rather than
12 reimbursement of supervision costs."

13 That basically is their argument
14 which was filed only this month. Senator
15 Skelos, I think that on a philosophical level,
16 you maybe have something to talk about, but I
17 know, Senator Skelos, that in the real world you
18 would not want to be responsible for a program
19 that wound up costing the localities more than
20 it was bringing in, and that is apparently the
21 feeling of the City which would be greatly
22 affected by the legislation.

23 SENATOR SKELOS: Thank you very

1 much, Senator Gold. Obviously, I disagree with
2 the city of New York, and the Association of
3 Counties feels the opposite, and they are in
4 support of this legislation.

5 SENATOR GOLD: Senator yield to a
6 question?

7 SENATOR SKELOS: Yes, Senator
8 Gold.

9 SENATOR GOLD: Senator Skelos, I,
10 of course, respect that you would not just take
11 a position without thought and investigation and
12 based upon what figures, what financial
13 information do you disagree with the City in its
14 figures?

15 SENATOR SKELOS: Well, I think,
16 for example, when they talk about setting up a
17 new hearing examiners structure. I mentioned to
18 Senator Galiber in our conversation that most of
19 this could be decided at the time the decision
20 is made by the court whether probation is a
21 suitable sentence. So at that time, there is an
22 attorney present there for the defendant. The
23 probation department is there. They have made

1 their study as to recommendations to the court
2 whether probation would be a suitable sentence.
3 And at that time, they would be capable to
4 advise the judge and certainly the judge could
5 make a decision whether this defendant could pay
6 for their probationary costs.

7 SENATOR GOLD: Will the Senator
8 yield to a question?

9 SENATOR SKELOS: Sure.

10 SENATOR GOLD: Senator, there is
11 more involved, with all due respect, to the
12 process than what you have described. And if,
13 for example, the probationer-to-be doesn't
14 agree, you may need a full hearing on his
15 capacity. If he doesn't pay, there are going to
16 be contempt proceedings or proceedings to revoke
17 his probation which would require hearings and
18 whatever.

19 I guarantee you something,
20 Senator Skelos. Somebody who is going to go to
21 jail and has no money is going to take a
22 hearing, and they're going to get 18-B counsel
23 or Legal Aid before they are going to jail.

1 Believe me.

2 If you take a look at what's
3 going on in our domestic relations parts of the
4 court, there isn't one husband or spouse who
5 doesn't pay money who doesn't go through fifteen
6 hearings before they put him into a jail. So,
7 Senator, that's what I'm talking about, and I
8 think that's what the City is talking about.

9 And what I'm curious is, based
10 upon what figures do you calculate that the city
11 of New York is wrong? I understand that you
12 respectfully say that you disagree with them,
13 but they are the ones who are on a day-to-day
14 basis handling these people, on a day-to-day
15 basis paying the costs, and they are the ones
16 that are telling you mathematically you are not
17 correct.

18 SENATOR SKELOS: Well, I think
19 they feel that an entire new procedure or
20 process would be required to be set up as to
21 what would add to the cost. For example, the
22 county of Nassau also disagrees with them and
23 they estimate that it could save the county from

1 three to four million dollars a year.

2 So perhaps the City is wrong, and
3 the county of Nassau is right.

4 SENATOR GOLD: Well, if the
5 Senator will yield to a question?

6 Senator, you didn't say, if I
7 understood you properly, that the county of
8 Nassau may be right. You said the city of New
9 York is wrong. Now, I don't know what the
10 numbers are in Nassau, and it may be that you
11 get a better class of criminal in Nassau and
12 they are more employable and they got better
13 jobs, et cetera, et cetera, et cetera.

14 And maybe if you want to put in a
15 system in Nassau or the County Legislature wants
16 to do it or we need to give them approval, maybe
17 that will make money for Nassau, but I don't
18 think that you as a statewide official want to
19 be responsible for causing economic harm in the
20 city of New York to help Nassau. I don't want
21 to hurt Nassau for the City.

22 But the City, which is a large
23 part of this program, is asking you very

1 respectfully not to do this to them, and the
2 memo, Senator Skelos, is an economic memo. They
3 are not talking here -- there wasn't one word in
4 the memorandum from the city of New York which
5 talked social policy. They are saying to you
6 that, economically, it is not a good thing for
7 them.

8 So my bottom line to you, Senator
9 Skelos, is why do you seek to impose upon them
10 something which they are telling you in advance
11 economically doesn't work when your point is to
12 try to help them economically? Doesn't the -
13 isn't there any home rule philosophy that you
14 espouse every day on this floor that comes into
15 play here? Don't they have some rights under
16 their own budget?

17 SENATOR SKELOS: You indicated
18 that I have statewide responsibilities and I'm
19 exercising those statewide responsibilities with
20 this legislation.

21 SENATOR GOLD: Oh, I think of you
22 as a great statesman, Senator.

23 SENATOR SKELOS: Thank you very

1 much. You, too. But great minds can differ at
2 times.

3 SENATOR GOLD: Well, but,
4 Senator, my -- if the Senator will yield to a
5 question.

6 My question is on the issue of
7 home rule. I mean you have an idea to save this
8 City money as well as Nassau. Nassau may want
9 it, and it may work in Nassau. The city of New
10 York has probably the largest portion of the
11 people involved, and they are pleading with
12 you. They say, Senator, I'm not telling you
13 that I don't agree with you sociologically or
14 philosophically. I'm telling you that
15 economically I don't agree with you. You are
16 going to hurt us economically.

17 Don't you think, Senator Skelos,
18 that the locality has some home rule rights?

19 SENATOR SKELOS: All localities
20 have home rule rights, but there is a difference
21 in opinion. I think the city of New York is
22 wrong. Now, we can sit here and go back and
23 forth all day. I just feel that they are wrong

1 in this instance.

2 SENATOR GOLD: All right. On the
3 bill, Mr. President.

4 Mr. President, I have too much
5 respect for Senator Skelos. He has some trouble
6 keeping the ball on the fairway but I like him
7 anyway. The point, Senator Skelos, is I
8 wouldn't be as cruel as to read back to you for
9 the rest of the session the remarks you just
10 made here, because you don't believe them.

11 If I were to cast a party vote
12 against your local bill on the theory that I
13 respect home rule but they are wrong in what
14 they are doing, you would look at me in
15 amazement, and you would put out press releases
16 saying that the Democratic Party is against the
17 localities and doesn't respect home rule,
18 because that's the bottom line of it.

19 This bill, Senator, if there was
20 a question that the Mayor of the city of New
21 York or the City Council of the city of New York
22 saying that philosophically this is a terrible
23 idea, it's going to hurt probationers, it will

1 hurt their rehabilitation, it will hurt their
2 families, then you could stand up and say, I
3 disagree with the Mayor philosophically, but he
4 needs money and this is a place to get money.

5 There isn't one word of
6 philosophy in this memo, not one. They are
7 saying you are wrong economically. Do not take
8 our money out of the system and make us spend it
9 in this way because it's not going to help us
10 economically.

11 Now, I respect the fact that you
12 and Senator Bruno and many of the others do not
13 come from the city of New York. Senator Mega
14 and Senator Vellella are on this, and they do,
15 but I respectfully say to you that I have great
16 respect for those two gentlemen, but they are
17 not standing up with numbers either, saying that
18 the City is wrong on their economics.

19 Now, the bottom line is that the
20 city is right, Senator, and you are wrong as to
21 the procedures that you are talking about. The
22 procedures involved in this legislation require
23 hearings. No gentleman or woman on probation is

1 going to jail without a hearing and not one of
2 them is going to have a hearing without lawyers,
3 and there won't be a hearing without hearing
4 officers and attorneys for the probation
5 department, et cetera, et cetera, et cetera.

6 It is an expensive bill, and on
7 that basis alone, I would ask everyone to oppose
8 it. I assume that's why it has gotten no place
9 in the Assembly for the last five years, and we
10 ought to drop it.

11 (Whereupon, Senator Daly was in
12 the chair.)

13 SENATOR JONES: Mr. President,
14 would the sponsor yield to a question, please?

15 ACTING PRESIDENT DALY: Senator
16 Skelos, will you yield?

17 He yields.

18 SENATOR JONES: Senator, I know
19 this has been tried in other states -- Florida,
20 I believe. Do you have any statistics saying
21 whether or not it's been successful or how it's
22 working?

23 SENATOR SKELOS: I just have

1 information again from the county of Nassau
2 which indicates they feel that different
3 counties and cities could save a substantial
4 amount of money in their probationary costs.

5 SENATOR JONES: Would the Senator
6 yield to another question?

7 ACTING PRESIDENT DALY: Senator
8 Skelos, will you yield again?

9 The Senator will yield.

10 SENATOR JONES: Do you have any
11 financial -- we certainly took quite a bit of
12 money away from our counties this year earmarked
13 for probation. Do you have any numbers that
14 would indicate this would at least help the
15 counties make up that deficit?

16 SENATOR SKELOS: Well, I think
17 the fact that the Association of Counties is
18 supporting this legislation would indicate that
19 this is not going to hurt counties but rather
20 help them.

21 SENATOR JONES: On the bill, Mr.
22 President.

23 ACTING PRESIDENT DALY: Senator

1 Jones on the bill.

2 SENATOR JONES: I hear all the
3 things my colleague said, and I admit that I
4 have equal concerns that this may not work out.
5 However, I don't feel that it would be fair to
6 our counties that we've taken away money that
7 they needed for the probation services and now
8 are not willing to give them back anything in
9 return. I think it's only fair that -- at least
10 up my way the counties are asking for this; and
11 for that reason, I would have to support the
12 bill and at least give it a chance to see what
13 it does.

14 ACTING PRESIDENT DALY: Read the
15 last section.

16 THE SECRETARY: Section 3. This
17 act shall take effect on the first day of
18 November.

19 ACTING PRESIDENT DALY: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Those recorded in
23 the negative on Calendar Number 816 are Senators

1 Connor, Espada, Galiber, Gold, Leichter,
2 Markowitz, Montgomery, Ohrenstein, Onorato and
3 Smith, also Senator Stavisky. Ayes 44, nays
4 11.

5 ACTING PRESIDENT DALY: The bill
6 is passed.

7 SENATOR CONNOR: Mr. President.

8 ACTING PRESIDENT DALY: Senator
9 Connor.

10 SENATOR CONNOR: Mr. President,
11 may I have unanimous consent to be recorded in
12 the negative on Calendar Number 63, S. 191.

13 ACTING PRESIDENT DALY: Without
14 objection.

15 THE SECRETARY: Calendar Number
16 818, by Senator Johnson, Senate Bill Number
17 1898, Executive Law, in relation to parole
18 release.

19 SENATOR STACHOWSKI: Explanation.

20 ACTING PRESIDENT DALY:
21 Explanation is requested. Senator Johnson.

22 SENATOR JOHNSON: Mr. President,
23 this bill would provide that the Parole Board

1 grant early release to any inmate subject to
2 deportation, provided the inmate is not an
3 offender convicted of murder in the first or
4 second degree and served a minimum period of
5 imprisonment. The deportation order will be
6 issued by the federal government, and the inmate
7 will concede that he or she is deportable and
8 request an order be issued for deportation.

9 This is a very important bill and
10 a very serious subject. Last year, when I
11 debated this bill, there were about 58,000
12 prisoners in our prisons, of which 7,141 were
13 aliens, foreign born. This year there are
14 62,000 prisoners and 7700 are foreign born.

15 The increase in the inmate
16 population over the last seven or eight years
17 has been 78 percent overall, while the
18 percentage of foreign born inmates has increased
19 194 percent, and it's going up very rapidly.
20 The foreigners are convicted of more violent
21 crimes; therefore, they are serving longer
22 terms.

23 They are impacting our prisons.

1 The crowding in prisons has resulted in lower
2 sentencing guidelines and putting parole
3 violators in local jails rather than in prisons
4 and it has had a very deleterious effect on the
5 operation of the prison.

6 In fact, these people come from
7 every where, from Afghanistan to Zaire. There
8 are major language problems dealing with these
9 people. They shouldn't be here. If they served
10 their minimum, they should be deported. If they
11 consent to deportation, it speeds up the
12 process.

13 It's a very desirable bill. The
14 bill has passed this house two years running.
15 We even have letters from convicted people who
16 want to go home, and so they even want to help
17 us out with our problem, and we certainly should
18 see that they do so.

19 It's kind of interesting. I said
20 the bill passed two years running. It never
21 passed the Assembly, but what it did do is get
22 the attention of the Correction Department, who
23 proceeded a year ago to sue the federal

1 government to take those prisoners off their
2 hands which are ready to be deported under
3 present federal and state statutes, nothing
4 directly to do with my bill, and the federal
5 government essentially said we don't have to
6 take them until we're good and ready.

7 Now, I don't know when they're
8 going to be good and ready, but we can't spend
9 hundreds of millions of dollars building more
10 prisons to house prisoners which are really the
11 responsibility of the federal government, and
12 it's kind of interesting, that lawsuit that was
13 filed was essentially dismissed by the federal
14 judge saying, Well, there's differences between
15 federal and state sentencing guidelines; and
16 therefore, we don't care if they are ready or
17 not, they are ready when we say they are ready.

18 Anyhow it's kind of funny, a
19 further remark by a fellow named Duke Austin, a
20 spokesman for the INS said they would have the
21 INS be responsible for every alien criminal in
22 this state, in every state, and I agree. That's
23 exactly what they should do.

1 Why do we have a federal
2 government? Why do we have laws regulating
3 immigration of people and find out that these
4 aliens are in our prisons? In fact, more than
5 half of them enter the country illegally in the
6 first place. The federal government should deal
7 with their responsibility. They're shirking
8 their responsibility. We've got to keep sending
9 them the message that they have to do their job
10 and what we're doing here with this bill is a
11 minor amendment which essentially builds upon
12 the present state law.

13 And all it does really, dealing
14 with the problem, is say that if an alien is
15 ready to be deported, he serves his minimum term
16 and he consents to deportation, we can get him
17 out of the country and into the federal hands
18 faster without going through the entire hearing
19 process. So he waives the process, he goes to
20 federal custody or goes out of the country, and
21 our problem is done and we're going to save a
22 lot of money.

23 It's kind of interesting. Some

1 people say, "We want them to serve their time."
2 #208 million last year to give these people
3 room and board, up from 178 million a year
4 before. We can't continually dump this money on
5 these people who have no right to be here; they
6 shouldn't be here. They should be out of here.

7 We've got money we need for
8 people who really need welfare or medical care;
9 we need money for schools. We need money for a
10 lot of things. We're wasting our money on these
11 aliens who could be out of here.

12 This bill is going to help do
13 that. This bill passed by very good margins
14 last year and the year before. We've got to
15 pass it again to send a message to the other
16 house that the people want this bill, that it's
17 good for the people of the state of New York,
18 that it helps prevent wasting further money
19 building jails and maintaining people in jail,
20 and we've got to encourage the state, as I'm
21 certainly doing, to continue their appeal of the
22 recent lawsuit in which they are rejected by the
23 federal government. The fed's have to perform

1 their responsibilities as well.

2 So, Senators, I would like to say
3 that thank you for the previous support. I'm
4 sorry it sounds like a crusade, but it's
5 something that has to be done. We don't have
6 the money to do everything and keep everybody
7 happy and comfortable in this state, and there
8 is no reason to even take a chance on these
9 aliens not being deported, to be released and
10 going back on the street.

11 As the Governor suggested,
12 they'll go back on the streets. They won't go
13 back on the street. They will go right out of
14 this country if this bill passes in its present
15 form, becomes law, and the fed's fulfill their
16 responsibilities.

17 Thank you, Mr. President.

18 ACTING PRESIDENT DALY: Read the
19 last section.

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

22 ACTING PRESIDENT DALY: Call the
23 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 55.

3 ACTING PRESIDENT DALY: The bill
4 is passed.

5 Senator Oppenheimer.

6 SENATOR OPPENHEIMER: With
7 unanimous consent, I would like to be recorded
8 in the negative on Calendar Number 588.

9 ACTING PRESIDENT DALY: Without
10 objection.

11 SENATOR HALPERIN: Mr.
12 President.

13 ACTING PRESIDENT DALY: Senator
14 Halperin.

15 SENATOR HALPERIN: I'd like to be
16 recorded in the negative on Calendar Number 588,
17 Senate Bill 3539.

18 ACTING PRESIDENT DALY: Without
19 objection.

20 Senator Present.

21 SENATOR PRESENT: Mr. President,
22 I would like to announce there will be a Rules
23 Committee meeting tomorrow at 11:30 a.m. in Room

1 332.

2 There being no further business,
3 I move we adjourn until tomorrow at 11:30 a.m.

4 ACTING PRESIDENT DALY: Senate
5 stands adjourned until tomorrow at 11:30 a.m.

6 (Whereupon, at 5:03 p.m., the
7 Senate adjourned.)

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