ALBANY, NEW YORK

April 1, 1997

3:05 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. Would everyone rise and please join with me in saying the Pledge of Allegiance.

(The assemblage repeated the Pledge of Allegiance to the Flag.)

May we bow our heads in a moment of silence.

(A moment of silence was observed.)

The reading of the Journal, please.

THE SECRETARY: In Senate, Monday, March 31st. The Senate met pursuant to adjournment. The Journal of Saturday, March 29th, was read and approved. On motion, the 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.

The Secretary will read.

THE SECRETARY: Senator Velella,

from the Committee on Insurance, reports the following bills:

Senate Print 149-A, by Senator Skelos, an act to amend the Insurance Law, in relation to providing for a reduction in rates;

3204, by Senator Velella, an act to amend the Insurance Law and the Vehicle and Traffic Law, in relation to giving the Superintendent of Insurance additional powers;

3883, by Senator Velella, an act to repeal Section 4227 of the Insurance Law;

3888, by Senator Maziarz, an act to amend the Insurance Law and others, in relation to long-term care insurance; and

4012, by Senator Alesi, an act to amend the Insurance Law, in relation to making various technical corrections.

All bills ordered direct for third reading.

THE PRESIDENT: All bills direct to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

The Secretary will read.

THE SECRETARY: Senator Stafford moves to discharge from the Committee on Finance Assembly Bill Number 6548 and substitute it for the identical Third Reading Calendar 416.

Senator Stafford moves to discharge from the Committee on Finance Assembly Bill Number 6547 and substitute it for the identical Third Reading Calendar 417.

Senator Levy moves to discharge from the Committee on Transportation Assembly Bill Number 6546 and substitute it for the identical Third Reading Calendar 427.

And Senator Levy moves to discharge from the Committee on Transportation Assembly Bill Number 6549 and substitute it for the identical Third Reading Calendar 428.

THE PRESIDENT: The substitutions are ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, there will be an immediate meeting of the Higher Education Committee in Room 332 of the Capitol.

THE PRESIDENT: There will be an immediate meeting of the Higher Education

Committee in Room 332 of the Capitol.

SENATOR SKELOS: Madam President, may we please take up Privileged Resolution 848 by Senator Velella. May we please have it read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read it in its entirety.

THE SECRETARY: By Senator Velella, Legislative Resolution 848, commending the New York Yankees on winning their 1996 World Champion season;

WHEREAS, it is the duty of this legislative body to recognize and pay tribute to those individuals and organizations whose actions and accomplishments have served to honor and benefit the people of the state of New York; and

WHEREAS, as reported in the December 30, 1907 Mills Commission, "The first scheme for playing baseball, according to the best evidence obtainable to date, was devised by Abner Doubleday at Cooperstown, New York in 1839" and has always been held by New Yorkers as one the state's most notable innovations; and

WHEREAS, the New York Yankees and Yankee Stadium have together stood as icons of the sport of baseball, rich in history and prestige, winning 23 world championship titles and 34 American League Pennants; and

WHEREAS, in 1996, the New York Yankees have renewed the true spirit of the game of baseball, not only for New Yorkers but for all Americans.

The members of the 1996 New York Yankees team embodied the true meaning of sportsmanship, dedication and cooperation from the start of spring training to the final game of the post-season with many members of the team achieving personal and professional triumphs.

All of New York watched, waited and wept with Yankees manager Joseph Torre as he skillfully utilized his years of experience to carry his family and his team through a tumultuous season that ended with great personal joy, team victory and the overwhelming support of his extended family of Yankees fans; and

WHEREAS, the entire 1996 New York Yankees organization, from George Steinbrenner to the Dancing Ground Crew brought victory and

pride back to the "House that Ruth built" after 18 years.

New York Yankees fans have loyally supported their Bronx Bombers through trial, tragedy and defeat, always knowing that the World Series trophy would once again be home in New York.

New York Yankee fans faithfully cheered their team to victory by the tens of thousands in the stadium, individually in their own living rooms and finally by coming together in a crowd of more than three million in the greatest victory parade the city of New York has ever seen in its "Canyon of Heroes."

The Yankees organization shared their victory and their trophy with all of New York by placing it in City Hall for all of our citizens to view.

The New York Yankees celebrated the 75th anniversary of their first American League Pennant by winning every post-season away game and further amazed the support of baseball by overcoming an 0-2 game deficit to win the World Series in four straight games; and

WHEREAS, the date of October 26,

1996, when the New York Yankees clinched the World Series title, will forever be enshrined in the hearts and minds of Yankees fans worldwide.

The New York Yankees' personal and professional honor and enthusiasm distinguished them as champions, affording them high praise and hope for continued successes.

As all of New York prepares for another exciting season of baseball with the great borough of the Bronx once again the home of the reigning champions; now, therefore, be it

RESOLVED, that this legislative body does hereby pause in its deliberations to honor and congratulate the New York Yankees on the occasion of their 1996 World Series Championship; and be it further

RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to the New York Yankees.

THE PRESIDENT: The question is on the resolution. All in favor signify -- oh, I'm sorry. Senator Velella.

SENATOR VELELLA: If I may just briefly.

Tonight in Seattle, Washington,

we begin the quest for the 1997 world championship. The Bronx Bombers, known to some others as the New York Yankees, certainly gave honor to our state. There are three places in this world that are preceded by the definite article "the", The Hague, the cradle of justice; the Vatican, the cradle of religion and the Bronx, the cradle of great state Senators and the World Champion Yankees.

I'm sure my colleagues from the Bronx will join me. We're proud to be the home of the New York Yankees, the Bronx Bombers. We hope, with the help of our governor, to be able to keep them there for a long time to come.

THE PRESIDENT: The question is on the resolution.

SENATOR VELELLA: Open it up to any member that wishes to join.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Yes, Madam President. I'm sure all the members on this side would join in this resolution, with the addendum that it took three former New York Mets to help the Yankees win the World Series. I would just like you to know that.

THE PRESIDENT: Is there anyone else who would like to speak on the resolution?

(There was no response.)

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time take up the non controversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Page 12, Calendar Number 256, by Senator Libous, Senate Print 1231-A, an act to amend the Uniform City Court Act and the Judiciary Law, in relation to an acting City Court judge.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 267, by Senator Cook, Senate Print 2647, an act to amend the General City Law and others, in relation to the adoption of certain local laws.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 40. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 273, by Senator Padavan, Senate Print 2202, an act to amend the General Municipal Law, in relation to reporting information.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside at the request of the Acting Minority Leader.

THE SECRETARY: Calendar Number 291, by Senator Padavan, Senate Print 2011, an act to amend the Penal Law, in relation to making citizenship document fraud in the first degree and second degree.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 295, by Senator Padavan, Senate Print 2223, an act to amend the Penal Law -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside at the request of the Acting Minority Leader.

THE SECRETARY: Calendar Number 303, by the Senate Committee on Rules, Senate Print 2451, an act legalizing and validating the expenditure of certain bond anticipation notes.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 316, by Senator Seward, Senate Print 1747, an act to amend the Tax Law, in relation to

extending the expiration of the provisions authorizing the county of Tompkins.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Ayes 49, nays 2, Senators Dollinger and Gentile recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 327, by Senator Levy, Senate Print 1775, an act to amend the Transportation Law, in relation to regional citizens advisory councils.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 344, by Senator Velella, Senate Print 3242, an act to amend the Insurance Law, in relation to making permanent the ability of insurers.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 365, by Senator Padavan, Senate Print 2210, an act to amend the Executive Law, in relation to cooperation between police agencies -

SENATOR PATERSON: Lay it aside, please.

THE SECRETARY: -- and the United States Immigration and Naturalization Service.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside at the request of the Acting Minority Leader.

THE SECRETARY: Calendar Number 366, by Senator LaValle, Senate Print 2466, an act to amend the Executive Law, in relation to population requirements.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 380, by Senator Skelos, Senate Print 1749, an act to amend the Correction Law, in relation to the definition of sexually violent offense.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 382, by Senator Kuhl, Senate Print 549, an act to amend the New York State Urban Development Corporation Act, the Omnibus Economic Development Act of 1987 and the Economic Development Law, in relation to including firms.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 383, by Senator Saland, Senate Print 999, an act to amend the Not-for-Profit Corporation Law, in relation to eliminating limitations.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 384, by Senator Leibell, Senate Print 2920, an act to amend the Public Authorities Law, in relation to loan insurance.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos, that completes the reading of the non-controversial calendar.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Crime Victims Committee in Room 332 of the Capitol.

ACTING PRESIDENT KUHL: Immediate meeting of the Crime Victims Committee in Room 332 of the Capitol.

SENATOR SKELOS: Mr. President, if we could take up the controversial calendar.

ACTING PRESIDENT KUHL: Immediate meeting of the Crime Victims Committee in Room 332, the Majority Conference Room.

The Secretary will read the controversial calendar, beginning with Calendar Number 273, Senate Print 2202, by Senator Padavan.

THE SECRETARY: On page 13, Calendar Number 273, by Senator Padavan, Senate Print 2202, an act to amend the General Municipal Law, in relation to reporting information to the United States Immigration and

Naturalization Service.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Padavan, an explanation has been requested by Senator Paterson.

SENATOR PADAVAN: Thank you, Mr. President.

This bill, which was debated last year, passed this house 40 to 16, prohibits any locality or the state itself from requiring or mandating that any employee of either the state or its political subdivision not cooperate with Immigration and Naturalization Service when it is determined or believed to be that that individual before him or her is an illegal immigrant.

Its primary effect is relevant to the city of New York and something known as Executive Order 124, originally crafted by Mayor Koch and sustained or reaffirmed by subsequent mayors, including the one we have now.

The federal government in enacting the Welfare Reform Act stated quite unequivocally, Section 434 of that act, that no state or its political subdivisions shall

preclude any individual in said governments from reporting someone who is an illegal immigrant or, in effect, cooperating with INS.

This bill would reaffirm by state law and, in effect, would directly overrule Executive Order 124.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Padavan would yield for a few questions.

ACTING PRESIDENT KUHL: Senator Padavan, do you yield to Senator Paterson?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Senator, it's interesting that the executive order was originally authorized by Mayor Koch and, as you pointed out, has been sustained by Mayor Dinkins and Mayor Giuliani. They are mayors who obviously ran on the lines of different political parties and have very different ideologies even from each other.

What was the City trying to

accomplish through Executive Order 124?

SENATOR PADAVAN: I'm sorry. Would you repeat that, please.

SENATOR PATERSON: I'm saying when Executive Order 124 was implemented, what was the desire of the mayor and -- which is upheld by the two mayors -- from your conversations with them or with their staff, what was the reason that they wanted to put this executive order into motion in the first place?

SENATOR PADAVAN: Well, I never discussed it with Mayor Koch, to be honest with you, and I may have discussed it with Mayor Dinkins, and I certainly did discuss it with Mayor Giuliani. Their goals are obviously ones that I don't share, to shield illegal immigrants from INS in terms of applying for public assistance, as an example.

You may recall last year I shared with this body direct testimony from our Welfare Inspector General who told us unequivocally that there's widespread fraud in our social services system as it relates to legal immigrants and one of the reasons for that widespread fraud, as came out in a public hearing we had, was the

inaction -- total inaction of our local social service agency in the city of New York to make any referrals, zero, to INS.

So whatever their reasons were, I don't share them and apparently neither does the federal government or the Congress of the United States, and so that brings us to where we are today and where we were a year ago.

SENATOR PATERSON: Mr. President, if the Senator would continue to yield.

SENATOR PADAVAN: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR PATERSON: Senator, I'm not asking you to argue against your own bill. I'm just asking you if you would have an opinion as to what would have been the public policy that may have been accomplished by having this executive order even though your legislation obviously is designed to eliminate this type of order?

What I'm saying is obviously there's some competing values that are at issue here and since there seems to be widespread support for the executive order, what I wanted

to find out from you is did you see any relevance at all to issuing it in the first place?

SENATOR PADAVAN: Well, Senator, beauty is in the eye of the beholder, but I don't believe there's widespread support, and my dialogue with my constituents, the few thousand people that I represent, they don't understand it at all, nor do any other of the cities and counties and localities in the state of New York. No other part of the state of New York - you go across the line into Nassau County from the city of New York, as an example, and if someone comes into a social services office and the intake officer, the person responsible for the application that's being submitted feels that there is an illegal immigrant sitting opposite him or her, they have the right to make an immediate referral. Come across that line into New York City and they don't. I've never understood the logic of that but, nevertheless, to answer your question, there is not widespread support and it's now against federal law.

Now, the mayor, Mayor Giuliani, has gone into federal court on this issue, as

you know. He's attempting to block the enforcement of it. Again, he's wrong.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: If the Senator would continue to yield.

ACTING PRESIDENT KUHL: Senator Padavan, do you continue to yield?

SENATOR PATERSON: He yields?

ACTING PRESIDENT KUHL: Yes.

SENATOR PATERSON: Senator, I wanted to turn your attention to some of the remarks that were made today in the Daily News by Nicholas Scarpetta who is now the commissioner for what is the consolidated child care agency, the agency for child development. He was talking about a tragedy that we read about in the last few days, the death of a five-year-old, Daytwon Bennett, and he was actually stating that it would be impossible for the agency on its own to singularly investigate all of the situations in which child abuse is derived and he was calling on more assistance from the public and he went as far as actually

blaming some of the neighbors who were very sorrowful when they heard of the death of this young five-year-old, that they had been aware of the child abuse for a number of months and had not talked to the appropriate agencies.

In any event, one of those neighbors had been a person who was either a legal immigrant who might have been afraid of the repercussions or an illegal immigrant and would have cooperated in spite of the fact that there would have been some personal risk. I think that what Mayor Giuliani's entrance into federal court is about is the fact that agencies such as the police department might be able to win that cooperation without the automatic referral to INS if it's believed that the individual with whom the department is cooperating with is an illegal alien, that there was a greater public good by allowing the police department to investigate and get the cooperation of individuals who might be of assistance in saving lives than it would be necessarily in investigating every single person who might actually be an illegal alien. I think that is what at least the -

SENATOR PADAVAN: Senator, may I ask what your question is? You asked me to yield to a question.

SENATOR PATERSON: Yes. My question is, don't you think that would be an apt application of the executive order?

SENATOR PADAVAN: Senator, I happen to have heard last night on TV, listened to Mr. Scarpetta's comments directly when he was interviewed by the media on this tragic event, and what he said was that any individual could have called the hot line, the '800' number, or made a referral with complete anonymity, anonymously with regard to what was going on in that apartment with that young child, and so the applicability of Executive Order 124 certainly wouldn't have related to that circumstance. Anyone could have made a phone call. Anyone could have called the hot line, called the local police department, called the local social services office, called the mayor, called you or whoever the representative was in that area without revealing their name or anything else and they should have if they were aware it was going on. So I don't see the relevance here.

But let me tell you a different story where it was relevant, and I brought this up last year, just to refresh your memory. A young man was arrested for drug selling in the streets of the city of New York. The police knew he was an illegal alien. At that point in time, they were precluded from notifying INS or sharing that information. The young man came before a judge. The judge didn't know anything about his alien status. He was released on his own recognizance and during that two-week period of time, he killed a police officer.

Now, if the police department - and we have direct testimony from the police department on this issue. If the police department had made an immediate referral to INS, had been permitted to do so at that time, that police officer would have been alive today. Now, I say "at that time" because since that incident, Mayor Giuliani has revised Executive Order 124 as it relates to an individual in those circumstances. So that part of it can't happen again, but I use it as an illustration to you of where there can be a problem. So the mayor, to his credit, at least

acknowledged one fault in that executive order as brought to light by that tragic incident.

So, again, I say, your recitation of this tragic event of the young child being abused the other day and the consequences of that abuse really is not relevant to the issue before us.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: If the Senator would continue to yield.

SENATOR PADAVAN: Yes.

ACTING PRESIDENT KUHL: Senator Padavan, do you continue to yield? The Senator continues to yield.

SENATOR PATERSON: Senator, in raising that example, I was raising the example of public cooperation and I beg to differ with you. It appears to me that you have actually assumed a fact that's not in evidence. You assumed that anyone that would cooperate would do it anonymously and what I'm saying is that in a particular situation where there was a need for public cooperation in any type of a situation, this just being an illustration of

one of them, where there would have been a need for more than just the transfer of information but perhaps the testimony of an individual or at least corroboration of it, then it would have been important for the police or whatever agency there may have been to actually have allowed for what would necessarily be a desire not to inform the INS about what the believed status of the witness would actually be.

So what I'm saying is rather than the anonymous example, which is the one that you chose to respond to, what about the example where the -- whether it's the police or whatever agency is very well aware of who may cooperate with them and is somewhat restricted by the fact that their knowledge would require an automatic referral to INS, and I ask you that question by acknowledging the defect in the executive order that you pointed out.

SENATOR PADAVAN: Senator, I repeat what I said before. The reason there was a 1-800 number, a hot line, is to allow people to make complaints or to bring to the attention of authorities child abuse and individuals need not identify themselves. It then becomes

incumbent upon the appropriate agency to make an inquiry and investigation of that complaint.

So, again, I repeat, your example is simply not applicable, but I would agree with you that public cooperation is an essential ingredient in the enforcement of our laws. I believe that we all have a responsibility. You and I have taken an oath when we are sworn in to uphold the laws of the country in which we live, the state in which we reside. I think any public employee has a similar responsibility and when someone is applying for social services, as an example, and is a law breaker by virtue of being in this country illegally, that individual has a responsibility to ensure that proper authorities are notified. To me, that is the overriding issue here and no mayor or governor or local executive should issue an executive order precluding that level of cooperation.

Again, I repeat what I said earlier. Throughout the state of New York, such a vehicle does not exist, and I've heard no examples of a failure of law enforcement, social services or any other public entity in terms of doing their job by virtue of their ability to

report a person to INS.

You know, we work with the federal government. All law enforcement people work with the federal government all the time. Now, federal cooperation with federal agencies is not a unique thing. It's not something that we have no experience in but to make an exception in this case for these reasons which, in my view, are less than appropriate, makes no sense, and I think the Congress acted wisely in saying very directly that this should no longer be the case.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: A final question, if the Senator would be willing to yield.

ACTING PRESIDENT KUHL: Senator Padavan, do you continue to yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR PATERSON: Senator, you said you couldn't think of an example. I'm going to give you an example and ask you to

comment on it, and that is simply that there is a crime. The police department comes to investigate the crime. There's an individual who's sitting there very well aware that they are a witness to the crime. The police are right outside. They can go right outside and tell the police that they saw the crime. They can be a witness. This is not anonymous. They can't dial an '800' number in this situation and the reason they don't go outside is because they're afraid that they may be reported. Whether they be a legal immigrant, they're just as afraid of being hassled, or an illegal immigrant -- there would be obvious reasons why they would be afraid of being investigated but the issue here is that they can serve a greater good in this investigation and the police department's hands are tied based on the need to refer this particular individual to INS.

This is an example where I think that the greater public good would be served by not reporting the information, and I would like you to comment on it.

SENATOR PADAVAN: Senator, what you're saying is one wrong justifies another,

and that type of logic escapes me.

If the person is an illegal immigrant, that stands on its own. If the police or any agency, depending upon the contact that individual has with one or more levels of government, is aware of that fact, they have not only an obligation but a responsibility in the law, now the law of the land, to make an appropriate referral.

The circumstance that you cite, I can't argue with hypothetically it occurring, but I would suggest to you that that is certainly an unusual circumstance and not something that's found every day. If that were the case, then all the prosecutions going on in our law enforcement jurisdictions in the city of New York, which are enormous in number, would certainly not be happening but the fact still remains, you are attempting to justify a failure of local government, in our case, from enforcing the law on the basis that it might impede the enforcement of another law and to me that's illogical.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

On the bill, I am going -

SENATOR PADAVAN: If the Senator would just bear with me one more, to fully answer your question.

Senator, if you look at this bill, you'll see that what we are talking about here when we define the individual not only to be in violation of federal immigration laws, which is what you and I have been talking about, but also to have committed a crime.

So the analogy you gave of the person being a witness, under this proposed statute, that person must have also been an individual who committed a crime and so, therefore, there is no option on his part to be involved with the police department. He too is a criminal.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, on the bill.

Again, I think that Senator Padavan has assumed a fact that is not in

evidence. He is saying that this person has committed a crime. What actually happens when there's a referral to INS is that the individual who is making the referral believes that the particular person in question is committing a crime, and what I find to be a little speculative about this whole thing is that Senator Padavan does not see the logic or reason in something that was supported by individuals who have been elected to run the executive branch of government in New York City since 1977. Over the past 20 years, all three of them felt that there were some real problems with this kind of reporting, specifically that it is such a subjective determination and that it is so open to scrutiny and open to mistake that the public policy of having everybody who doesn't speak the king's English or doesn't look like the king necessarily being subjected to this kind of scrutiny when, in many of the instances, their interaction with the agency is not one where they're even the recipient of services or, in many cases, their interactions because they are a victim or a witness that these executives thought that it would be better to issue this

executive order to protect New York City residents who are as diversified as we are from this kind of stigma that, unfortunately, is dictating and pervading a lot of conduct in this country right now.

There are new regulations that have been implemented starting today that are going to restrict the ability of illegal immigrants to get away with their misconduct in this particular country. There are stronger regulations now on the immigration -- that will be imposed by our national immigration services. We're not going to allow for some of the outside agencies to test individuals who are applying for citizenship in this country because we have found a lot of widespread fraud in the testing and in the implementation of this process.

However, in situations where the agency is interacting with citizens and also legal permanent residents for particular areas, to now turn social workers who do not have any training in this particular area and who may succumb to the idiosyncratic behavior that we all are a victim to at times and certainly to

take their speculations and their beliefs and turn them into an investigation, in my opinion, is remote to what this particular -- this country's standard of allowing citizens to live and work in a society would be.

Now, perhaps if this were behind the Iron Curtain, this might be the appropriate conduct, but this is the United States of America. This is a place where our Constitution does not always restrict an investigation but where we certainly would like to have policies so that we are investigating illegal aliens when there is a threshold of evidence or information that leads us to go in this direction. Just because a person strikes an individual who has never had any experience either in the area of investigating illegal aliens or even in the area of investigating criminals, to have the authority to have this person investigated, in my opinion, chills the atmosphere for all of the agency's operation of government and all the mechanisms that we use to try to serve our constituency.

SENATOR PADAVAN: Mr. President.

ACTING PRESIDENT KUHL: Senator

Padavan.

SENATOR PADAVAN: While I respect Senator Paterson's point of view, I must say to you in the main he's not talking about this bill.

Now, for those who may be listening, let me just read the sentence that's applicable here -- two sentences.

"No local law, executive order or such other law, order or ordinance shall prohibit any local government officer, employee, agent or agency from identifying and reporting to the United States Immigration and Naturalization Service any person pursuant to federal law or regulation who such agent or agency reasonably suspects to have committed a crime and to be in violation of federal immigration law."

So the earlier dialogue we had about child abuse and someone contacting a social service agency, they wouldn't be under this bill, nor the examples that we just heard a moment ago would not be covered by this bill.

The person must have been an individual who was suspected of committing a

crime and to be an illegal alien. Those two things are inextricably tied together in this proposal. I wanted to make that point very clear because from what you've heard from Senator Paterson, you certainly wouldn't get that impression.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, just one question to Senator Padavan. Is -

ACTING PRESIDENT KUHL: Senator Padavan, do you yield to a question from Senator Dollinger? The Senator yields.

SENATOR DOLLINGER: Is there any such local law, executive order or other such law, order or ordinance which doesn't do what this bill does? Is there any local law or ordinance that prohibits an officer from informing the INS in the event that they believe someone -

SENATOR PADAVAN: Other than the executive order?

SENATOR DOLLINGER: What executive order?

SENATOR PADAVAN: In the city of New York there's an Executive Order 124 which, in effect, as I said in my opening remarks, we are addressing. If that executive order didn't exist, we wouldn't need this bill.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Lachman.

SENATOR LACHMAN: On the bill, Mr. President.

I would like to echo Senator Paterson's remarks. I am opposed to this bill. I think there is valid reason for Executive Order 124. Whenever you can get three mayors such as Koch, Dinkins and Giuliani to agree on a major issue, then I think you have something that others should agree on as well.

I also think that this bill indirectly, Senator Padavan, attempts to blur the line between legal immigrants and illegal immigrants and it's a very, very important line. Legal immigrants are legal permanent residents of this nation and they should not be harassed.

Now, I happen to be the son of a father who was a citizen of the United States and a mother who never became a citizen but was a legal immigrant. There are others like that in the city of New York and the state of New York today, and I believe if this executive order is repealed, people such as that would be harassed, and I don't believe that legal permanent residents of the city of New York and the state of New York should be considered second class citizens.

So I would oppose this bill.

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

Senator Waldon.

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

I debated this bill last year at length. The things I said then were that I thought it's redundant to do this when we have a federal law governing these situations, and I think that those remarks I made then are valid for this time.

I would encourage us to wonder aloud why now are immigrants persona non grata?

Why now does this great nation, through its state body, the Senate, begin to put up walls to those who before could come here freely and establish residence, become proud citizens of many of the people who sit in this chamber. Why now? And if it were a case where, if you were a citizen of New York, as in the great Greek Empire, when you were a citizen of a particular city, it gave you the same validity of being a citizen of the nation, then I could see something valid about this argument, but someone who is a citizen of New York City is merely a citizen of New York State and a citizen of the United States. That is the bottom line. Are you a U.S. citizen, not a New York City citizen, not a New York State citizens.

So I think we ought to leave those things which are of the federal government to the federal government and let us not meddle in the federal government's affairs.

I vote no.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives and announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 273 are Senators Connor, Gentile, Gold, Gonzalez, Kruger, Lachman, Markowitz, Montgomery, Nanula, Paterson, Rosado, Sampson, Smith, Stavisky and Waldon, also Senator Seabrook. Ayes 40, nays 16.

ACTING PRESIDENT KUHL: The bill is passed.

The Secretary will continue to read the controversial calendar.

THE SECRETARY: Calendar Number 295, by Senator Padavan, Senate Print 2223, an act to amend the Penal Law, in relation to making unlawful immigration a Class C felony.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Padavan, an explanation has been asked.

SENATOR PADAVAN: Yes, Mr. President. In 1984, after several years of work

and along with the Chairman of the Codes Committee in this house, Dale Volker, and Chairman of the Codes Committee in the Assembly, then Speaker Silver, we passed a Criminal and Civil Forfeiture Act which has served this state well over a period of a dozen years.

What this bill would do is include in that forfeiture statute individuals who are, in effect, smugglers of illegal aliens, seizing their assets and certain other actions be taken against such individuals and it's patterned after the original forfeiture law.

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

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, is this Print Number 295? Is this 295, Mr. President?

ACTING PRESIDENT KUHL: Yes. We're on Calendar Number 295, Senator Dollinger. It's Senator Padavan's bill, Senate Print 2223.

SENATOR DOLLINGER: Would Senator Padavan just yield to a couple of questions, Mr. President?

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: Senator Padavan, is this -- this offense you seek to create, isn't this similar to an offense that already exists under federal law? Isn't it currently against the law to be involved in the transportation of people under INS?

SENATOR PADAVAN: The federal government? I believe so. I believe the federal government has this authority. The only thing is they end up with the assets.

SENATOR DOLLINGER: Excuse me, Mr. President. I didn't hear the last part of that.

SENATOR PADAVAN: I think your question is does the federal government have this authority. I believe they do but there they would end up with the assets. Under this statute, we would.

SENATOR DOLLINGER: Okay. Is that -- through you, Mr. President. Is that the only significant difference between the two statutes, who actually ends up with the assets?

SENATOR PADAVAN: It also

involves our district attorneys who have been very energetic and very enthusiastic about applying our criminal forfeiture and forfeiture laws that we have. I, therefore, feel that they would be more than happy to embrace this as well.

SENATOR DOLLINGER: Again through you, Mr. President. This creates concurrent jurisdiction between the fed's who have the ability to make these arrests and -

SENATOR PADAVAN: Similar to drug interdictions.

SENATOR DOLLINGER: I guess that's my final question, Mr. President. What's the difference between this and a ban on assault weapons in which the federal government has the same authority to regulate those assault weapons, in fact, has done that and my bill which we've debated here it this house, which we tried to debate last week which would have the same ability and create the same benefits that you talk about, creating local prosecutions, giving the prosecutors -- is it analogous to that same -

SENATOR PADAVAN: This is a

criminal forfeiture law and asset seizure. I'm not sure your bill had anything to do with that.

SENATOR DOLLINGER: Okay. But it's the same theory, is it not, that -

ACTING PRESIDENT KUHL: Senator Dollinger, are you -

SENATOR PADAVAN: Senator Dollinger, I'm not here to enter a dialogue with you about theories. Ask me a question about the bill and I will be more than happy to answer it.

SENATOR DOLLINGER: You're using the same analogy -

ACTING PRESIDENT KUHL: Senator Dollinger, excuse me. We have a lot of noise going on in the chamber. Just a minute.

Senator Padavan, do you continue to yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DOLLINGER: The analogy you use in support of state jurisdiction in this statute is the same analogy that I have used in state jurisdiction for the support of assault weapons.

SENATOR PADAVAN: Senator, I didn't use an analogy. I answered your question. You said -- your question, if I may restate it, was does the federal government have currently the ability to seize assets used for smuggling and I said, yes, they do. However, under this statute, we would end up with the assets, as we do today in other areas of criminal and civil forfeiture.

SENATOR DOLLINGER: Could I ask one other question, Mr. President?

ACTING PRESIDENT KUHL: Senator Padavan, do you continue to yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DOLLINGER: Isn't that the same analogy that you use in support of our exercise of concurrent jurisdiction under this area of the law; isn't that the same argument that I have used for concurrent jurisdiction in banning assault weapons? You heard me argue that on the floor.

SENATOR PADAVAN: Senator, again, this is not an analogy. What I gave you is a

statement of fact. You asked a very direct question. I gave you a very direct answer. There is no analogy. There's nothing there that can be -- need be extrapolated. It's a very direct question.

SENATOR DOLLINGER: Okay. Again through you, Mr. President. Can I assume that the answer to my question is no or it's yes?

SENATOR PADAVAN: It's neither, Senator.

ACTING PRESIDENT KUHL: So it's not analogous.

SENATOR PADAVAN: No. I'm not answering your question because your question doesn't make sense, at least not to me.

ACTING PRESIDENT KUHL: Are you asking Senator Padavan to continue to yield?

SENATOR DOLLINGER: Yes, Mr. President. I have a question.

ACTING PRESIDENT KUHL: Excuse me, Senator Dollinger.

Senator Padavan, do you continue to yield? Senator Padavan, do you continue to yield to Senator Dollinger?

SENATOR PADAVAN: One more

question.

ACTING PRESIDENT KUHL: The Senator yields for one more question.

SENATOR DOLLINGER: I'll simply ask the same question, Mr. President. Is it analogous -- the argument you make in favor of our exercise of concurrent jurisdiction in this instance, is it or is it not analogous to the same argument that I have made for concurrent jurisdiction in banning assault weapons?

SENATOR PADAVAN: You asked me for a definitive answer. No.

SENATOR DOLLINGER: Thank you, Mr. President.

That's all I was looking for.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

SENATOR DOLLINGER: Mr. President, just to be heard on the bill for one second.

ACTING PRESIDENT KUHL: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I voted for this bill in the past, Mr. President. I'm going to vote for it again and I'm going to vote for

it because it is exactly analysis. I disagree with my colleague from Queens. I think it's exactly analysis -- analogous to the analysis that I have used in trying to ban assault weapons, and that is we have the ability to exercise concurrent jurisdiction with our federal brethren. We have the ability in the interests of this state for the exact reason that Senator Padavan described, which is we have enthusiastic prosecutors and we would like to get the assets ourselves.

The same thing is true with assault weapons. We have enthusiastic prosecutors. They would like the power to enforce an assault weapon ban against the people in this state. They enforce 80 percent of the crimes in this state. The power that Senator Padavan wants to give to our prosecutors in this state involving illegal transportation of aliens is the same power I would like to give them to ban assault weapons.

It is analogous. I disagree with Senator Padavan. The logic seems to be used when it helps one's position in this house. When you try to use the same logic, it's somehow

considered verboten. I don't quite understand it, but that seems to be the way we do things here.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives and announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 295 are Senators Gonzalez, Markowitz, Montgomery, Sampson, Seabrook, Smith and Waldon. Ayes 49, nays 7.

ACTING PRESIDENT KUHL: The bill is passed.

The Secretary will continue to read the controversial calendar.

THE SECRETARY: Calendar Number 365, by Senator Padavan, Senate Print 2210, an act to amend the Executive Law, in relation to cooperation between police agencies and the

United States Immigration and Naturalization Service.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Padavan, an explanation of Calendar Number 365 has been requested.

SENATOR PADAVAN: You've got to like this one. Here's a person that's been arrested. He's in jail and then we say the police department must cooperate with INS. Now, what could you possibly see wrong with that? That's the bill.

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

Senator Paterson.

SENATOR PATERSON: Mr. President, I have to answer that question.

First of all, I liked the last bill, Senator. I voted for it. It frightens me, but I did vote for it. If the Senator would yield for a question.

ACTING PRESIDENT KUHL: Senator Padavan, do you yield? The Senator yields.

SENATOR PATERSON: Senator, the issue at hand is that when an individual is

arrested, I want to know what it is that would cause the arresting officers or the personnel to make the determination that there should be a referral to the Immigration and Naturalization Service and, in answering that question, you might also answer for me, what is the case if the basis for the arrest is never substantiated? In other words, wouldn't this be a way to actually investigate possible illegal aliens, to just arrest someone on some charge, you know? Perhaps the charge is not sustained but by that time you have reported them and if you're correct, you have found an illegal alien. If you're not correct, then you have now put an innocent person into the jeopardy of not only having been arrested but also having been investigated when, in fact, they were in this country legally.

SENATOR PADAVAN: I think the first part of your question is what would lead them to believe this person who committed a crime, was arrested, is an illegal immigrant. I believe that was the first part of your question. Lack of possession of proper documents of any kind, possession of a forged

driver's license, as an example, a variety of things that investigators would be most equipped to define in more detail than I but obviously ones that we're aware because we read about them all the time.

We had a scandal a year ago of some people who were working for our motor vehicle bureau who had been selling false driver's licenses and automobile registrations by the cart full, hundreds of them. Obviously they were going to people who were up to no good. So we know it happens. That the police become aware of that, that obviously is an indicator.

Now, the second part of your question -- the second part of your question, I think -- and correct me if I'm wrong -- was that the police department might use this as a reason to go around arresting people simply to cooperate or to somehow make referrals to INS.

Senator, you know, how do I answer that question? It's silly to think that the police department of the city of New York is going to run around the city gobbling up individuals on street corners, arresting them,

keeping in mind there's such a thing as false arrest, no matter who you are and placing themselves in jeopardy and having to explain to an assistant district attorney what that person's doing in the lockup, I mean, I think that's improbable, and I'm being gracious and kind when I say that. I think it's impossible to consider that type of eventuality.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, if the Senator would continue to yield.

ACTING PRESIDENT KUHL: Senator Padavan, do you continue to yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Senator, do you think it is possible that anything other than these issues that you're raising, for instance, lack of possession of documents, that could happen to anyone that would get arrested at some point, possession of a forged driver's license where you just cited an example of a driver's license forgery ring that was operating

in the state. They weren't operating that way because they were illegal aliens. They acted that way because they were criminals.

So what I'm saying to you is what connects this evidence that's obtained to the suggestion that we're dealing with an illegal alien? Is it not possible, Senator, that the characteristics of certain individuals in the state who actually are not only not illegal aliens but legal permanent residents and citizens, that those features or those attributes to their personalities and character might just bring them a greater opportunity to be investigated because of the fact that they have characteristics that would be similar to those people who are illegal aliens?

SENATOR PADAVAN: The goal and the basic presumption, Senator, that the police department of the city of New York makes arrests based on characteristics, I don't accept that notion at the outset. Therefore, the rest of your question doesn't make sense.

The police department does not make arrests based on individual character istics, not in the city of New York. Otherwise

we would need 50 times the jail space we have. They make arrests when someone commits a crime. Now, once in possession of that individual, they determine, through their investigation, by virtue of examples we gave before, false ID, lack of ID of any kind, that this individual could well be an illegal alien to make an inquiry to INS. If it turns out the person is a legal immigrant, then that's the end of it, but if he or she is not, then certainly we want to see that federal action is taken.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, I want to thank Senator Padavan to -- for his answers to all of the questions on the three bills that a few of us have asked and on the bill, Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson, on the bill.

SENATOR PATERSON: Mr. President, unfortunately if a person is brought before INS and is investigated and there are enough cases of this type of situation occurring, I don't think that is the end of it. I think it may be

the end of it as far as law enforcement is concerned, but I don't think it's the end of it in terms of this person's citizenship in this country or their right to be in this country legally or perhaps their ability to interact with other agencies and methods of employment in this particular country.

I think that what happens when you have this type of circumstance where we are investigating individuals or being speculative in our approach to these investigations is that inevitably we have an atmosphere which is much different for many individuals who are living in this country, whose taxpayer dollars provide the broad revenue basis that is bringing us to this chamber today but for whom special treatment is meted out and it's not special treatment that inures to their benefit but rather to their detriment because they may look like, they may sound like or, for some reason in the subjective mind of the individual, in some way resemble individuals who are thought to be illegal aliens. At that point when a person is arrested and they don't have identification or they have what appears to be a fraudulent driver's license

-- there are many citizens in this state who the first thought of whether or not they would be an illegal alien would never even come to the arresting officers' minds but unfortunately as it is a human frailty, there are those who live in this state who would automatically excite that presumption even if they are not being arrested and even if they are not committing a crime, and as long as that is the case -- and sadly it is the case -- I think that this type of legislation which furthers the delineation - and I think what Senator Lachman said earlier, blurs the distinctions of citizenship versus non-citizenship are not the best policy for this state to adopt at the time.

I can appreciate the goal that Senator Padavan is trying to achieve and certainly in one of the previous bills he pointed out a very good example which I had to acknowledge that would impede police investigations and the apprehension of criminals, but when it comes to the general policy that the conglomeration of these bills is eliciting from this chamber, I don't think it's one that would conform to the principles that

certainly were in the minds of those who drafted our state Constitution and those who here today are trying to uphold it.

ACTING PRESIDENT KUHL: Senator Waldon, did you wish to speak on the bill?

SENATOR WALDON: Yes, Mr. President. I'm sorry. I thank you for the recognition.

Briefly on the bill. I wish it were true that all arrests made are other than subjective. Criteria to make an arrest for a police officer is he has reasonable cause to believe a crime has been committed, is being committed and the person he's about to arrest may have had something to do with their crime. That's purely subjective, and I think that it is a danger for us as a state to put a layer on the already ominous powers of the police which will motivate them to further stop people who don't look like them. That's the key ingredient to all of this. They don't look like the cop.

If the officer sees someone who is of a different color, a different hue, then the question may pop into his or her mind, are you an alien? Because if someone comes from

those Eurocentric places which look like the majority of the police officers, unless the person opens his or her mouth, there would be no reason to suspect that that person might be an alien, an illegal alien.

I just think it doesn't make sense to give officers who already are very qualified and who are functioning well in their positions another reason to make a mistake and to treat people in a disparate fashion.

I see it evidenced at City Hall in some degree because the mayor is very aggressive and assertive in his quality of life issues, and I don't think that we in New York State's Senate should also incorporate something similar to his quality of life in our way of doing things by giving our police officers a reason to make humongous mistakes. I would encourage all of us to vote against this.

Thank you very much, Mr. President.

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

(There was no response.)

Hearing none, the Secretary will

read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives and announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 365 are Senators Connor, Gold, Gonzalez, Markowitz, Montgomery, Paterson, Sampson, Seabrook, Smith, Stavisky and Waldon. Ayes 45, nays 11.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe that completes the controversial calendar, and if we could return to reports of standing committees, I believe there's a report of the Crime Victims Committee at the desk.

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing committees.

I'll ask the Secretary to read

the report from the Crime Victims Committee.

THE SECRETARY: Senator Nozzolio, from the Committee on Crime Victims, Crime and Correction, reports the following bills:

Senate Print 246, by Senator Johnson, an act to amend the Executive Law and others, in relation to personal injury awards;

932, by Senator Maziarz, an act to amend the Executive Law, in relation to eligibility to receive awards;

1587, by Senator Volker, an act to amend the Executive Law, in relation to written statement; and

3464, by Senator Velella, an act to amend the Executive Law, in relation to enhancing the fair treatment standards for crime victims.

All bills ordered direct for third reading.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, the bills are ordered directly to third reading.

Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT KUHL: There's no other housekeeping, Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business, I move we adjourn until Wednesday, April 2nd, at 11:00 a.m. sharp.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, the Senate stands adjourned until tomorrow, Wednesday - note the time change -- at 11:00 a.m.

Senator Paterson, do you have an announcement?

SENATOR PATERSON: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson for an announcement.

SENATOR PATERSON: Mr. President, there will be an immediate conference of the Minority in the Minority Conference Room.

ACTING PRESIDENT KUHL: Immediate conference of the Minority -- open conference - in the Minority Conference Room, Room 314 in the Capitol.

(Whereupon, at 4:17 p.m., the Senate adjourned.)