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ALBANY, NEW YORK

April 21, 1993

12:10 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT FARLEY: Senate
3 will come to order. Senators will find their
4 seats.

5 If you will please rise with me
6 for the Pledge of Allegiance to the Flag.

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

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

12 (Whereupon, there was a moment of
13 silence.)

14 Secretary will begin by reading
15 the Journal.

16 THE SECRETARY: In Senate,
17 Tuesday, April 20. The Senate met pursuant to
18 adjournment. Senator Farley in the chair upon
19 designation of the Temporary President. The
20 Journal of Monday, April 19, was read and
21 approved. On motion, Senate adjourned.

22 ACTING PRESIDENT FARLEY: Hearing
23 no objection, the Journal will stand approved as

1 read.

2 The order of business:

3 Presentation of petitions.

4 Messages from the Assembly.

5 Messages from the Governor.

6 Reports of standing committees.

7 Reports of select committees.

8 Communications and reports from

9 state officers.

10 Motions and resolutions.

11 Senator Present.

12 SENATOR PRESENT: Mr. President,

13 would you recognize Senator Holland, please.

14 ACTING PRESIDENT FARLEY: Senator

15 Holland.

16 SENATOR HOLLAND: Mr. President,

17 I have two privileged resolutions at the desk.

18 I would like to have the titles of both read and

19 move for immediate adoption.

20 ACTING PRESIDENT FARLEY:

21 Secretary will read the titles to Senator

22 Holland's resolutions.

23 THE SECRETARY: Legislative

1 Resolution, by Senator Holland, recognizing the
2 week of April 18th through the 24th, 1993, as
3 National Volunteer Week in the state of New
4 York.

5 Also, Legislative Resolution, by
6 Senator Holland, commemorating Big Brothers Big
7 Sisters Volunteer Appreciation Week, April the
8 18th through the 24th, 1993.

9 ACTING PRESIDENT FARLEY: On both
10 resolutions. All those in favor, aye.

11 (Response of "Aye.")

12 Those opposed, nay.

13 (There was no response.)

14 The resolutions are adopted.

15 Senator Present, we have a
16 substitution. What's your pleasure?

17 SENATOR PRESENT: On the
18 substitution.

19 ACTING PRESIDENT FARLEY: The
20 Secretary will make the substitution.

21 THE SECRETARY: On page 7 of
22 today's calendar, Senator Johnson moves to
23 discharge the Committee on Environmental

1 Conservation from Assembly Bill Number 4009 and
2 substitute the identical Calendar Number 438.

3 ACTING PRESIDENT FARLEY:
4 Substitution is ordered.

5 Senator Volker.

6 SENATOR VOLKER: Mr. President,
7 on page 12, Calendar Number 55, Senate Print
8 Number 1141A, could you please star that bill.
9 Page 12, Calendar 55, 1141A, please star it.

10 ACTING PRESIDENT FARLEY: The
11 bill is starred at the request of the sponsor.

12 Senator Present, what's your
13 pleasure?

14 SENATOR PRESENT: Let's take up
15 the non-controversial calendar, please.

16 ACTING PRESIDENT FARLEY:
17 Non-controversial.

18 Secretary will read.

19 THE SECRETARY: On page 12,
20 Calendar Number 79, by Senator Spano, Senate
21 Bill Number 1411, an act to amend the Mental
22 Hygiene Law, in relation to prohibiting the
23 Office of Mental Health and the Office of Mental

1 Retardation from requesting certain redundant
2 information.

3 ACTING PRESIDENT FARLEY: Read
4 the last section.

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

7 ACTING PRESIDENT FARLEY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 32.

11 ACTING PRESIDENT FARLEY: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 93, by Senator Daly, Senate Bill Number 1106A.

15 SENATOR STACHOWSKI: Lay it
16 aside.

17 ACTING PRESIDENT FARLEY: Lay it
18 aside.

19 THE SECRETARY: Calendar Number
20 108, by Senator Holland.

21 SENATOR STACHOWSKI: Lay it
22 aside.

23 ACTING PRESIDENT FARLEY: Lay

1 that bill aside.

2 THE SECRETARY: Calendar Number
3 139, by Senator Lack, Senate Bill Number 2179,
4 an act to amend the Workers' Compensation Law.

5 ACTING PRESIDENT FARLEY: Read
6 the last section.

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

9 ACTING PRESIDENT FARLEY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 32.

13 ACTING PRESIDENT FARLEY: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 178, by Senator Sears.

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

19 ACTING PRESIDENT FARLEY: Lay it
20 aside for the day.

21 THE SECRETARY: Calendar Number
22 335, by Senator Kuhl, Senate Bill Number 2530,
23 an act to amend the General Business Law, in

1 relation to automobile auctioneers.

2 ACTING PRESIDENT FARLEY: Read
3 the last section.

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

6 ACTING PRESIDENT FARLEY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 33.

10 ACTING PRESIDENT FARLEY: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 342, by Senator Lack, Senate Bill Number 3744,
14 an act to amend the Workers' Compensation Law.

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 33.

23 ACTING PRESIDENT FARLEY: That

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 348, by Senator Present, Senate Bill Number
4 1655A, an act to amend the Education Law, in
5 relation to the transportation of pupils.

6 ACTING PRESIDENT FARLEY: There
7 is a local fiscal impact note here at the desk.

8 Read the last section.

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

11 ACTING PRESIDENT FARLEY: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 33.

15 ACTING PRESIDENT FARLEY: That
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 three-fifty... -

19 SENATOR STACHOWSKI: Lay it
20 aside.

21 ACTING PRESIDENT FARLEY: Lay it
22 aside.

23 THE SECRETARY: Calendar Number

1 378, by Senator Daly, Senate Bill Number 3204.

2 SENATOR STACHOWSKI: Lay it

3 aside.

4 ACTING PRESIDENT FARLEY: Lay it

5 aside.

6 THE SECRETARY: Calendar Number
7 388, by Senator Levy, Senate Bill Number 3515A,
8 an act to amend the Education Law, terms of
9 members of the Board of Regents.

10 ACTING PRESIDENT FARLEY: Read
11 the last section.

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

14 ACTING PRESIDENT FARLEY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 34.

18 ACTING PRESIDENT FARLEY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 464.

22 SENATOR PRESENT: Lay it aside.

23 ACTING PRESIDENT FARLEY: Lay it

1 aside.

2 Senator Present, that's the first
3 time through.

4 SENATOR PRESENT: Let's take up
5 the controversial calendar, please.

6 ACTING PRESIDENT FARLEY:
7 Controversial. The Secretary will read
8 controversial.

9 THE SECRETARY: On page 13,
10 Calendar Number 93, by Senator Daly, Senate Bill
11 Number 1106A, Social Services Law, in relation
12 to direct payment of shelter allowances.

13 ACTING PRESIDENT FARLEY: Read
14 the last section.

15 Senator Stachowski, you asked for
16 an explanation. Senator Daly.

17 SENATOR DALY: Mr. President.
18 One of the major contributors to the lack of
19 adequate housing for those who are on welfare is
20 the unwillingness of property owners to rent
21 apartments to people on welfare. Why? Because
22 all too many of them have been burned by the
23 process. And certainly, in many instances, the

1 tenants leave the apartment owing several months
2 back rent. And the purpose of this bill is to
3 enable landlords, tenants, or district
4 commissioners to have the shelter allowance of
5 home relief recipients paid to the landlords in
6 the form of a direct voucher at the request of
7 either of the aforementioned.

8 The bill also provides that once
9 home relief is received in the form of a direct
10 payment at the request of either the landlord or
11 the tenant, it cannot again be issued as an
12 unrestricted payment at a later date.

13 ACTING PRESIDENT FARLEY: Read
14 the last section.

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

17 ACTING PRESIDENT FARLEY: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 34.

21 ACTING PRESIDENT FARLEY: The
22 bill is passed.

23 THE SECRETARY: Calendar Number

1 108, by Senator Holland, Senate Bill Number 263,
2 an act to amend the Public Health Law, in
3 relation to Medicare-distinct parts in nursing
4 facilities.

5 SENATOR STACHOWSKI: Could you
6 lay it aside temporarily?

7 ACTING PRESIDENT FARLEY: Lay it
8 aside temporarily. Is that all right, Senator
9 Present?

10 SENATOR PRESENT: Yes.

11 THE SECRETARY: Calendar Number
12 356, by Senator Larkin, Senate Bill Number 3144,
13 an act to amend the Real Property Tax Law and
14 the Public Service Law, in relation to the
15 definition of special franchise property.

16 SENATOR STACHOWSKI: Can we have
17 this laid aside temporarily also for Senator
18 Oppenheimer?

19 ACTING PRESIDENT FARLEY: What's
20 the sponsor's pleasure?

21 SENATOR PRESENT: Temporarily lay
22 it aside.

23 ACTING PRESIDENT FARLEY: Lay it

1 aside, temporarily.

2 THE SECRETARY: Calendar Number
3 378, by Senator Daly, Senate Bill Number 3204.

4 SENATOR STACHOWSKI: Explanation.

5 ACTING PRESIDENT FARLEY:
6 Explanation. Senator Daly.

7 SENATOR DALY: Mr. President.
8 This bill strengthens the sanctions on home
9 relief recipients who do not comply with the
10 training and employment requirements, and it
11 clarifies that the burden of proof for failure
12 by public assistance recipients to comply with
13 education, training and employment rests with
14 the recipient, and it makes clear that anyone
15 who voluntarily quits his or her job is
16 ineligible for home relief or aid to dependent
17 children benefits for 75 days.

18 Basically also, Mr. President,
19 what it does, it makes the work relief and jobs
20 program uniform with mandatory job search for
21 home relief requests.

22 We do add -- I should clarify
23 that with one other point. We do add or change

1 the fourth sanction. So that one is issued
2 permanently, not 180 days under the present law.

3 ACTING PRESIDENT FARLEY: Read
4 the last section.

5 Senator Gold.

6 SENATOR GOLD: Yes, very
7 briefly. Last year we debated this, and Senator
8 Connor and myself and Senator Halperin,
9 Markowitz, Montgomery, Ohrenstein, Paterson,
10 Smith, Stavisky and Waldon voted in the
11 negative.

12 I just want to make one comment.
13 I mentioned yesterday on a completely different
14 subject how, you know, sometimes unless you see
15 something with your own eyes, we all know what's
16 out there, but it doesn't crystallize.

17 There is an opportunity opening
18 up on my staff in New York, and I have already
19 interviewed four gentlemen, each one of whom is
20 totally qualified -- totally qualified -- each
21 one of them could do that job. Isn't even a
22 question. Each one of them goes to one or two
23 interviews a day, a week, or whatever, and is

1 trying to get a job.

2 And you start to understand that
3 in this economic time we are not talking about
4 bums, we are not talking about criminals, we are
5 not talking about sleaze. We are talking about
6 men and women just like us who want to work
7 immediately if you get them a job.

8 Now, I understand what you want
9 to do here, Senator Daly. I understand it. And
10 what I'm talking about is a little bit of an
11 angle from that. All right? And you are going
12 to tell me, I'm sure, one thing has nothing to
13 do with the other, except for one thing. Some
14 of the legislation that we get here, from time
15 to time the expression mean-spirited has been
16 used. I don't want to use words like that. But
17 the point is that for political reasons -- and
18 this isn't Democrat/Republican political
19 reasons, Senator Daly -- we somehow wind up
20 picking on people who are at the lowest ends
21 ever society, most of whom, the huge number of
22 whom want to work, and for some reason our
23 society has failed them.

1 I can't tell you -- I have a job
2 to give, and I feel guilty that I don't have
3 four jobs. Because there's four men who want to
4 work, and I can't give them a job.

5 I don't think bills like this are
6 the answer. I understand the kind of
7 frustration, Senator Daly, that you have in
8 putting in the bill, and I know you very well,
9 and there's not a mean bone in your body. But
10 this kind of legislation, I think, is just the
11 wrong way to go.

12 It would be wonderful if we could
13 spend our time and if some of the Congressmen
14 down there would stop acting like city
15 councilmen and worry about the national picture
16 and the international picture and we get people
17 back to work. If we could do that, I'm telling
18 you a lot of the problems that we deal with day
19 in and day out would fall by the wayside.

20 So I wanted to make those
21 comments because I really have had a very
22 difficult week meeting with these people because
23 I think it would affect everybody in this

1 chamber if you had had this same experience.
2 There are wonderful people out there that want
3 to work. It's not a question of training them.
4 They are qualified, and they can't get jobs.

5 SENATOR DALY: Mr. President.

6 ACTING PRESIDENT FARLEY: Senator
7 Daly.

8 SENATOR DALY: Really, I agree
9 with everything Senator Gold said. This bill is
10 not out in any way to hurt those people. This
11 bill is aimed at those who are trying to beat
12 the system.

13 I point out specifically,
14 Senator, that we do not touch the good cause
15 section of the rules and regulations, and there
16 are 18 individual causes that are listed in the
17 rules and regulations which will excuse someone
18 from these sanctions, and we stayed away from
19 those good causes on purpose because we did not
20 want to have this legislation apply to anyone
21 who was trying. I would be the last one -- I
22 would be the last one to try to -- I should say
23 to change the law so that we create even greater

1 sanctions on those people who are trying. Only
2 those people, really, who are trying to beat the
3 system.

4 ACTING PRESIDENT FARLEY: Read
5 the last section.

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

8 ACTING PRESIDENT FARLEY: Call
9 the roll.

10 (The Secretary called the roll.)

11 SENATOR STAVISKY: Mr. President.

12 ACTING PRESIDENT FARLEY: Senator
13 Stavisky.

14 SENATOR STAVISKY: I rise for the
15 purpose of explaining my vote.

16 It appears to me that the
17 penalty, the initial penalty of 75 days, does
18 not take into account the possibility that
19 someone will comply with the requirement within
20 five days or six days. And yet if the 75 days
21 is the penalty for being deprived of sustenance,
22 I believe that that situation may not have been
23 addressed by the sponsor of the bill.

1 Accordingly, I wish to be recorded in the
2 negative.

3 SENATOR DALY: Mr. President, if
4 I may explain my vote. I mentioned, although I
5 didn't go into depth in my explanation, the fact
6 that really what we're doing is creating the
7 same sanctions in most cases, the first three
8 sanctions, the 75 days that the Senator
9 mentioned, are the same sanctions that we have
10 in all other employment, training and education
11 programs. So this is not something that stands
12 by itself. In this particular case, we have
13 brought them up together.

14 ACTING PRESIDENT FARLEY:
15 Results.

16 THE SECRETARY: Those recorded in
17 the negative on Calendar Number 378 are Senators
18 Connor, Espada, Gold, Leichter, Markowitz,
19 Mendez, Nolan, Ohrenstein, Smith, and Stavisky.

20 Ayes 35, nays 11.

21 ACTING PRESIDENT FARLEY: The
22 bill is passed.

23 SENATOR STAVISKY: Mr. President.

1 ACTING PRESIDENT FARLEY: Senator
2 Stavisky.

3 SENATOR STAVISKY: Mr.
4 President. Yesterday, I arrived in the chamber
5 just moments after the adjournment. If I had
6 been in the chamber on Calendar Number 384, I
7 would have asked to be recorded in the negative.

8 ACTING PRESIDENT FARLEY: The
9 record will so state.

10 SENATOR STAVISKY: I'm sorry.
11 Forgive me, sir. 385. It was 385, not 384.

12 ACTING PRESIDENT FARLEY: 385.
13 The record will state.

14 SENATOR LEICHTER: Mr. President.

15 ACTING PRESIDENT FARLEY: Senator
16 Leichter.

17 SENATOR LEICHTER: Yes. May I be
18 recorded in the negative on Calendar 93. Was
19 that laid aside or did that pass?

20 ACTING PRESIDENT FARLEY: Which
21 one are you talking about?

22 SENATOR LEICHTER: Calendar 93
23 today.

1 ACTING PRESIDENT FARLEY: It was
2 passed.

3 SENATOR LEICHTER: It was
4 passed?

5 ACTING PRESIDENT FARLEY: Yes,
6 sir.

7 SENATOR LEICHTER: May I be
8 recorded in the negative?

9 ACTING PRESIDENT FARLEY: Without
10 objection.

11 Senator Santiago.

12 SENATOR SANTIAGO: I need to be
13 recorded in the negative for 378.

14 ACTING PRESIDENT FARLEY: 378,
15 without objection.

16 Senator Galiber.

17 SENATOR GALIBER: Record me in
18 the negative.

19 ACTING PRESIDENT FARLEY: 378?

20 SENATOR GALIBER: That's correct.

21 ACTING PRESIDENT FARLEY: Without
22 objection.

23 Secretary will continue.

1 THE SECRETARY: Calendar Number
2 464, by Senator Nozzolio, Senate Bill Number
3 4195A, an act to amend the Election Law.

4 SENATOR NOZZOLIO: Mr.
5 President. Is there a message at the desk?

6 ACTING PRESIDENT FARLEY: No,
7 there is not, sir.

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

10 ACTING PRESIDENT FARLEY: Lay the
11 bill aside.

12 SENATOR PRESENT: Mr. President.

13 ACTING PRESIDENT FARLEY: Senator
14 Present.

15 SENATOR PRESENT: Can we call up
16 Calendar 356, Senator Larkin's bill that was
17 laid aside temporarily?

18 ACTING PRESIDENT FARLEY:
19 Secretary will call up 356, by Senator Larkin.

20 THE SECRETARY: Calendar Number
21 356, by Senator Larkin, Senate Bill Number 3144,
22 an act to amend the Real Property Tax Law and
23 the Public Service Law, in relation to the

1 definition of special franchise property.

2 ACTING PRESIDENT FARLEY: Read
3 the last section.

4 SENATOR STACHOWSKI: Explanation.

5 ACTING PRESIDENT FARLEY:
6 Explanation. Senator Larkin.

7 SENATOR LARKIN: New York has
8 exempt central office equipment of telephone
9 companies from real property tax since the
10 Legislature enacted the exemption back in 1987,
11 Chapter 416, we have had some changes in the
12 technology within the communication industry
13 which calls for the relocation of some of the
14 central office equipment using transformer fiber
15 optic signals to impulses closer to the
16 consumer. This equipment which is located
17 within the approximate distance of its consumers
18 is entitled to the same benefit as if it was
19 stored at their central office. It's just
20 moving the equipment from the central office to
21 give a better response to the consumer.

22 And with regard to that, any
23 savings in the real property tax that would be

1 given to the telephone company on this, the
2 Public Service Commission has deemed by this to
3 ensure that any savings go back to the ratepayer
4 and not to the telephone company.

5 ACTING PRESIDENT FARLEY: Senator
6 Oppenheimer.

7 SENATOR OPPENHEIMER: Would the
8 Senator yield for a question?

9 ACTING PRESIDENT FARLEY: Senator
10 Larkin, would you yield?

11 SENATOR LARKIN: Yes.

12 SENATOR OPPENHEIMER: Is this not
13 going to be taking -- offering another tax
14 break?

15 SENATOR LARKIN: I can't hear
16 you.

17 SENATOR OPPENHEIMER: Is this not
18 going to be taking the properties off of the tax
19 rolls for the municipal government and offering
20 the tax break at the expense of the municipal
21 government?

22 SENATOR LARKIN: The total tax
23 cost across the state is \$2.5 million. I would

1 remind the Senator that the 1987 bill that gave
2 the same exemption to this equipment cost \$200
3 million. This 2.5 million will be taken off the
4 local rolls but will be given as a benefit to
5 ratepayers in the telephone system.

6 SENATOR OPPENHEIMER: Yeah, I
7 understand. Thank you, Senator.

8 On the bill. It is true that
9 this doesn't entail a great deal of money for
10 many of our communities. Some of my communities
11 will have to bear a \$40,000 reduction, and I
12 feel that we have consistently in this Senate
13 and in the Assembly put the burden on the lower
14 levels of government consistently. We are
15 telling them what they must do. We are not
16 supplying money, and we are causing our property
17 tax rolls to increase at an increasing rate
18 every year. I think that -- though this is not
19 a major item, I think it's something that I can
20 not support because it is just a continuation of
21 the reductions which are causing municipal
22 governments to increase the property taxation on
23 local residents, and I think it's time we took a

1 stand.

2 I vote no.

3 ACTING PRESIDENT FARLEY: Read
4 the last section.

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

7 ACTING PRESIDENT FARLEY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Those recorded in
11 the negative on Calendar Number 356 are Senators
12 Cook, Farley, Johnson, Jones, Markowitz,
13 Oppenheimer, Pataki, Seward and Stachowski.
14 Ayes 39, nays 9.

15 ACTING PRESIDENT FARLEY: The
16 bill is passed.

17 SENATOR MARKOWITZ: Mr.
18 President.

19 ACTING PRESIDENT FARLEY: Senator
20 Markowitz.

21 SENATOR MARKOWITZ: May I have
22 unanimous approval to vote in the negative on
23 Calendar Number 93, please?

1 ACTING PRESIDENT FARLEY: Without
2 objection, Senator Markowitz in the negative on
3 Calendar 93.

4 Senator Present.

5 SENATOR PRESENT: Mr. President,
6 can we take up Calendar 108.

7 ACTING PRESIDENT FARLEY: 108.
8 Secretary will read it.

9 THE SECRETARY: Calendar Number
10 108, by Senator Holland, Senate Bill Number 263,
11 an act to amend the Public Health Law, in
12 relation to Medicare-distinct parts in nursing
13 facilities.

14 ACTING PRESIDENT FARLEY:
15 Explanation. Senator Holland.

16 SENATOR HOLLAND: Yes, Mr.
17 President. In New York State today, all nursing
18 home beds must be certified both Medicaid and
19 Medicare. This bill would allow nursing homes
20 to set up separate units for Medicare, thereby
21 allowing higher reimbursement from the federal
22 government and less reimbursement by the state
23 government saving us money.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

3 Senator Leichter.

4 SENATOR LEICHTER: Senator
5 Holland, if you would be so good as to yield?

6 SENATOR HOLLAND: Yes, sir.

7 SENATOR LEICHTER: Yes, I'm
8 trying to understand how that's going to save
9 money for the state. I'm not challenging your
10 conclusion, but I would like to understand it.
11 Could you just run us through that, please?

12 SENATOR HOLLAND: It would allow
13 separate units to be set up within the
14 facilities, and the accounting will just be
15 Medicare rather than Medicaid; therefore, the
16 federal government will pay for those units
17 rather than the state government contributing.

18 SENATOR LEICHTER: But, Senator,
19 it's my understanding now that if somebody is
20 Medicare-eligible irrespective of the unit that
21 they are in, doesn't the federal government
22 cover that by Medicare?

23 SENATOR HOLLAND: To a degree you

1 are correct, Senator, but it will bring more
2 money into the state of New York.

3 SENATOR LEICHTER: That's what
4 we're trying to understand and, you know, it's
5 nice to have you say, "This is going to bring in
6 more money," explanation is finished. But how
7 will it bring in more money?

8 I'm trying to understand how it
9 will bring in more money. Because Medicare
10 eligibility and Medicare payments aren't deter
11 mined by which part of a nursing home you're in
12 or whether you call it this is the Medicare wing
13 as distinguished from the Medicaid wing.

14 SENATOR HOLLAND: I understand
15 that the cost is just based on the Medicare
16 patient; therefore, the federal government will
17 be paying more money.

18 SENATOR LEICHTER: If you'll be
19 good enough to continue to yield, Senator
20 Holland?

21 SENATOR HOLLAND: Sure.

22 SENATOR LEICHTER: So what you
23 are telling us is that you can establish -

1 within the same home, you can establish a
2 Medicare rate and a Medicaid rate, and that the
3 Medicare rate could conceivably be higher than
4 the Medicaid rate?

5 SENATOR HOLLAND: Yes, that's
6 true, Senator.

7 SENATOR LEICHTER: Now, one thing
8 I -

9 SENATOR HOLLAND: Go ahead.

10 SENATOR LEICHTER: I just wanted
11 to give your counsel a chance to speak to you
12 about it.

13 One of the things that I'm
14 concerned about is will there be different
15 levels of care? Are we then saying, well, the
16 federal government is paying for these people so
17 we're going to try to get that rate up higher?
18 We'll give more care. We'll have more nurses.
19 We'll give better food. The others, Medicaid,
20 will be receiving a different level care. Is
21 that a possibility as a result of this bill?

22 SENATOR HOLLAND: No, Senator,
23 that is not true. They will both be receiving

1 the same level of care. And before any nursing
2 home goes into this program, they must prepare
3 and have the Commissioner approve a policy that
4 outlines the level of care that they are to get,
5 the transfer and discharge policies, and the
6 patient's rights. The level of care will be the
7 same.

8 SENATOR LEICHTER: Senator, I
9 don't see anything in the bill which states that
10 the level of care must be the same. You say
11 that they must submit a plan, but you don't say
12 necessarily that it has to have the same level
13 of care. I think, inevitably, you are going to
14 have to have a different level of care, and I
15 will tell you why. Because what you are really
16 saying is that if you have a nursing home and
17 you have homogenized rates for Medicaid and
18 Medicare that the Medicaid rates, I assume,
19 track the Medicare, or the other way about. In
20 any event, they are locked together.

21 Now, as I understand this bill,
22 you are trying to unlock it. And I want to just
23 add here at this point that I have a lot of

1 trouble understanding Medicare/Medicaid, and I
2 haven't really looked into it. Obviously, you
3 are a chair of a committee. I assume you have.

4 But it seems to me that what you
5 are trying to do is to separate the two and get
6 the fed's to set a separate rate. Because,
7 presently, you still have the fed's paying for
8 people who are Medicare eligible. Isn't that
9 the case?

10 SENATOR HOLLAND: Yes.

11 SENATOR LEICHTER: So what you
12 are doing is trying to get a separate rate so
13 that in some way that presently, let's say for
14 the sake of argument, in that home why, the
15 reimbursement rate for both Medicare and
16 Medicaid patients is \$100. Now, what you are
17 trying to do is maybe get the fed's to pay 120
18 whereas the state will be paying only \$100 for
19 the Medicaid people. So isn't that -
20 inevitably, isn't somebody in the fed's -- they
21 are not all dopes. I mean somebody is going to
22 say, "Wait a second. The state is paying 100.
23 They want us to pay 120. Let's go in there."

1 If the level of care is the same, wouldn't the
2 fed's at that point say, "Wait a second. Why
3 should we be paying more reimbursement than the
4 state is paying under Medicaid if the level of
5 care is the same?"

6 SENATOR HOLLAND: I'm not sure
7 that the level of care is always the same. The
8 need is always the same, Senator.

9 SENATOR LEICHTER: Well, Senator,
10 that was my point initially that this bill may
11 very well lead to a differential in care.

12 SENATOR HOLLAND: But if -- go
13 ahead. You've got the floor.

14 SENATOR LEICHTER: That you are
15 going to have different services for people who
16 are Medicare eligible than people who are
17 Medicaid eligible.

18 SENATOR HOLLAND: O.K., but -

19 SENATOR LEICHTER: You concede
20 now that that is the case.

21 SENATOR HOLLAND: I do. But it
22 depends upon the needs of the individuals. They
23 will receive the quality of care necessary

1 depending upon their need. And I'm sure that
2 the federal government will not reimburse us and
3 will still maintain -- still continue to check
4 and see if those needs are met as we do.

5 SENATOR LEICHTER: Well, all that
6 you are saying, Senator, is that basic needs -
7 obviously, you have to meet the basic
8 requirements, but you will now have two levels
9 of care and Medicare people will receive a
10 better level of care. I must tell you I am
11 disturbed about that. Has the Health Department
12 commented on your bill, Senator?

13 SENATOR HOLLAND: No. No, they
14 have not.

15 SENATOR LEICHTER: All right.

16 SENATOR HOLLAND: But I want to
17 repeat that the Commissioner is required to
18 approve a policy before any nursing home goes
19 into this.

20 SENATOR LEICHTER: I understand
21 that. Thank you, Senator, and I appreciate that
22 you and I had an opportunity to discuss the
23 bill, because it's certainly much clearer on my

1 part, and while -- well, I think what it shows
2 is essentially the statement that you initially
3 made that it's going to save money for the state
4 is just not so. It may bring in more money to
5 the nursing home, and it may -- not may -- but
6 as you concede, it will lead to a
7 differentiation in the level of care between
8 Medicaid and Medicare because you conceded
9 unless there was that differentiation the fed's
10 are not going to pay more for the Medicare than
11 we pay for the Medicaid. So I must say,
12 Senator, there are no savings that I see
13 whatsoever for the state whatsoever in this
14 plan.

15 And I know we're dealing in a
16 very murky, complex, difficult area and you know
17 much more about it than I do, but certainly as I
18 understand the bill now and as you have
19 explained it, that very nice statement you made
20 which made us all feel good, "Hey, this bill is
21 going to save money for the state," really
22 doesn't show up on examination and you are
23 leading to what I think is somewhat troublesome

1 of whether we want to have two levels of care in
2 nursing homes.

3 So I would respectfully suggest,
4 Senator, that this bill may need more study.

5 ACTING PRESIDENT FARLEY: Senator
6 Cook.

7 SENATOR COOK: Senator Holland,
8 if you would yield and help me understand.
9 Correct me if I'm incorrect on what I'm going to
10 say because I think I know what I'm talking
11 about, but I stand to be corrected.

12 Senator Leichter, I believe the
13 situation is this, that in the nursing home the
14 needs of the population are considered relative
15 to the needs of the residents of the home. I
16 think that's what the RUGS rate basically is.
17 It's according to the needs of the residents of
18 the home.

19 What this proposes to do, I
20 believe, is to differentiate that population of
21 the given home into two segments. There will be
22 a Medicare segment and a Medicaid segment, and
23 rates will be established separately according

1 to the two. The assumption is that the needs
2 level, the RUGS rate for the federal government
3 would be higher because the level of care needed
4 for those people would be higher. The average
5 level of care needed for the non-Medicare
6 population would be somewhat lower. That would
7 permit the Medicaid rate to go down.

8 You don't end up with any
9 differential in total income for the nursing
10 home. What you do, however, is you have the
11 federal government paying for the higher level
12 of care that is necessary for the Medicare
13 population as opposed to the Medicaid
14 population.

15 SENATOR LEICHTER: Mr.
16 President.

17 ACTING PRESIDENT FARLEY: Senator
18 Leichter.

19 SENATOR LEICHTER: Will Senator
20 Cook yield?

21 SENATOR COOK: Yes.

22 SENATOR LEICHTER: But, Senator,
23 the level of care is not determined whether you

1 are on Medicare or whether you are on Medicaid.
2 The level of care is determined by how sick you
3 are, how infirm you are.

4 SENATOR COOK: Mr. President.
5 Senator, I think you are looking at it backwards
6 because you don't begin with the rate at the top
7 and go down. You start with each patient, and
8 you, in effect, survey what the care needs are
9 for the patient in a nursing home. Not all
10 nursing homes would get the same RUGS rate
11 depending -- of wherever they are. It depends
12 on the level of service they need.

13 So that's where you start. You
14 provide the level of service needed, level of
15 care needed by the patient, and that's where the
16 rate is established. It's based on the severity
17 of the cases within that nursing home.

18 So, Senator, it could be
19 conceivable in some cases, I guess, where the
20 Medicare rate could actually be lower and the
21 Medicaid rate higher because it's based upon -
22 on a survey of the actual patients. It's not an
23 assumption that you are going to give less care

1 to somebody. It's based on an actual survey
2 that less care is actually needed by those
3 patients that are there, and that's why you end
4 up with a lower rate.

5 Am I basically correct?

6 SENATOR HOLLAND: Yes.

7 SENATOR LEICHTER: But, again,
8 Senator Cook, the fact is that if you determine
9 -- if you end up that all of the Medicaid
10 patients require greater care than the Medicare
11 patients, which may often be the case because
12 they by and large tend to be a poorer
13 population, then under no circumstance will
14 there be any saving even for the home. So it's
15 hard to understand.

16 I think essentially as I -- I
17 think as this bill becomes clearer, I think you
18 are making a distinction between Medicare and
19 Medicaid which I think may be unfortunate, and
20 you are also I think in a sense going to
21 stigmatize people who are on Medicaid. Then
22 what happens if somebody who is on Medicare may
23 lose that Medicare eligibility? And then, what,

1 move to Medicaid? I think you are setting up a
2 double standard here. And certainly one thing
3 is clear. There is no saving to the state.

4 SENATOR COOK: Mr. President.

5 ACTING PRESIDENT FARLEY: Senator
6 Cook.

7 SENATOR COOK: Try one more
8 time. Let's assume we are all in a nursing
9 home, the 61 of us. Everybody on that side of
10 the aisle needs a catheter that has to be
11 changed all the time. Okay. Nobody on this
12 side does. When you determine the RUGS rate,
13 currently, you take all of those costs of all of
14 these patients and you mix them all together and
15 you say the average cost of caring for a patient
16 in this nursing home is a certain level
17 depending on whether they need the catheter or
18 they don't need it, because it's based on an
19 average level of care in the facility.

20 What this attempts to do is say
21 all the people on that side of the room happen
22 to be Medicare eligible. So you are going to
23 compute their rate separately from the people on

1 this side of the aisle who are not Medicaid
2 eligible. However, what happens is because you
3 now all need catheters and we don't and
4 therefore the rate is higher on your side, you
5 still get your catheters. You get reimbursed
6 for a higher rate, and you happen to be in
7 Medicare because the federal government is
8 paying it. All of us on this side who don't
9 have the catheters are getting reimbursed
10 Medicaid rates which will be lower. So let's
11 say it's \$100. You are paying an average of
12 \$100 a day for everybody in the room. You may
13 end up with a Medicare rate now being 125, the
14 Medicaid rate being 75, because of the different
15 level of care required for those patients. But
16 when you average it all up, it's still \$100 per
17 patient for the whole nursing home.

18 SENATOR GOLD: Mr. President.

19 ACTING PRESIDENT FARLEY: Senator
20 Gold.

21 SENATOR GOLD: Senator Cook, I
22 think I followed you, but you are talking about
23 catheters which are a supply. Would it be the

1 same, for example, let's say everybody on that
2 side of the aisle needed deep psychiatric care
3 and the people on this side -

4 (Laughter.)

5 SENATOR COOK: Same principle.
6 Same principle.

7 ACTING PRESIDENT FARLEY: Same
8 principle.

9 Senator Onorato.

10 SENATOR ONORATO: I don't know
11 who wants to tackle this, Senator Holland or
12 Senator Cook. What happens eventually -- we
13 know when we're dealing with nursing homes that
14 the mix is Medicare and Medicaid. What happens
15 is eventually most Medicare patients do become
16 Medicaid somewhere down the line when their
17 funds are exhausted. How does that now affect
18 the rates when they start -- originally, you
19 went into the nursing home, you had 50 Medicare
20 and 100 Medicaid. Now you got 140 Medicaid and
21 10 Medicare. Do you have to constantly readjust
22 the rates for the nursing home or not?

23 ACTING PRESIDENT FARLEY: Senator

1 Cook.

2 SENATOR COOK: Mr. President.
3 You click over onto whatever your eligibility
4 is. I believe that the surveys are done
5 periodically. The RUGS rate is established.
6 I'm not sure how often the survey is done, but
7 periodically the patients within the nursing
8 home are surveyed. So the next year when they
9 came around and surveyed all the patients who
10 are in the Medicaid section, that person who had
11 moved into Medicaid would be apart of that
12 survey for establishing the Medicaid rate rather
13 than the part of the group that was used in
14 surveying for the Medicare rate.

15 ACTING PRESIDENT FARLEY: You can
16 read the last section.

17 I'm sorry. Somebody? Oh, I'm
18 sorry, Senator Montgomery.

19 SENATOR MONTGOMERY: Thank you,
20 Mr. President. Would Senator Holland yield for
21 a question?

22 ACTING PRESIDENT FARLEY: Senator
23 Holland.

1 SENATOR MONTGOMERY: Thank you,
2 Senator Holland, I'm a little bit confused. The
3 way that you and Senator Cook have been
4 discussing what happens when you separate out
5 the Medicare and the Medicaid is that it's
6 primarily a fiscal action that is required, and
7 so it's basically paper that we're talking about
8 that we need to establish which beds are
9 Medicare and which are Medicaid.

10 So your bill seems to establish
11 segregated units, however, and force the
12 facility to respond by physically segregating
13 the beds themselves. And I'm just wondering why
14 you feel it necessary to establish this kind of
15 segregation among the patients in the nursing
16 home.

17 SENATOR HOLLAND: They do have to
18 be separated, Senator, as you say. We feel it
19 would be a savings for the nursing home and,
20 overall, for the state as well. That's our
21 thrust.

22 SENATOR MONTGOMERY: If they are
23 required to physically segregate the beds?

1 SENATOR HOLLAND: They are
2 required.

3 SENATOR MONTGOMERY: In other
4 words, we can't get the differential in
5 reimbursement unless the beds are physically
6 segregated?

7 SENATOR HOLLAND: That is true,
8 Senator, and that is the reason or one of the
9 reasons that the facility has to have a plan
10 approved by the Commissioner with regard to
11 transfers if this proposal is accepted. It has
12 to be agreeable to the Commissioner.

13 SENATOR MONTGOMERY: Mr.
14 President, if I may pursue that?

15 ACTING PRESIDENT FARLEY: Senator
16 Montgomery.

17 SENATOR MONTGOMERY: In order to
18 get the reimbursement at a higher rate, it is
19 not simply that one bed, A, because it's a
20 Medicare patient receives a different rate of
21 reimbursement than bed B because that patient is
22 a Medicaid patient? Is that not the case?

23 SENATOR HOLLAND: They have to be

1 physically separated. If could be the next room
2 or the next aisle, but they have to be
3 physically separated.

4 SENATOR MONTGOMERY: Mr.
5 President. If Senator Holland would allow me I
6 would like to ask, then, why do you establish
7 units? Why is it necessary to establish units?

8 SENATOR HOLLAND: Federal
9 regulations, Senator. But just indicating the
10 separate areas, that's all it means.

11 SENATOR MONTGOMERY: The Medicare
12 rate indicates a higher level of service?

13 SENATOR HOLLAND: Yes.

14 SENATOR MONTGOMERY: For that
15 patient?

16 SENATOR HOLLAND: Yes.

17 SENATOR MONTGOMERY: But it also
18 requires that patient to be in a different
19 room?

20 SENATOR HOLLAND: Yes.

21 SENATOR MONTGOMERY: And a
22 different wing of -

23 SENATOR HOLLAND: Not necessarily

1 a different wing. It could be the next bed.
2 They could just move the bed to a separate area,
3 a distinct unit, a distinct area.

4 SENATOR MONTGOMERY: Mr.
5 President, if Senator Holland would yield?

6 I would like to ask you if the
7 facility -- if you anticipate based on this
8 legislation that the facility would then begin
9 to diminish the number of Medicaid beds because
10 of the higher rate of reimbursement to Medicare
11 and, therefore, we may lose a number of Medicaid
12 beds in the state?

13 SENATOR HOLLAND: Hasn't been the
14 case, Senator. I don't see that. It really
15 depends upon the census. Eighty percent of
16 clients in nursing homes are Medicaid today and
17 historically.

18 SENATOR MONTGOMERY: They are
19 today?

20 SENATOR HOLLAND: Yes.

21 SENATOR MONTGOMERY: But assuming
22 that the nursing home is interested in balancing
23 its books, do you anticipate that it may be -

1 they may see it in their interest to reduce the
2 number of Medicaid beds, make smaller units for
3 Medicaid beds and larger units for Medicare? Is
4 that conceivable?

5 SENATOR HOLLAND: It is
6 conceivable, I guess, Senator.

7 SENATOR MONTGOMERY: Okay. Thank
8 you, Senator Holland.

9 Mr. President, just on the bill
10 briefly.

11 ACTING PRESIDENT FARLEY: Senator
12 Montgomery on the bill.

13 SENATOR MONTGOMERY: I think
14 based that on the debate on the floor and
15 certainly Senator Holland's own acknowledgement
16 that we may lose, in fact, Medicaid beds and
17 that we're now asking nursing homes to have
18 separate units, and it's conceivable that we may
19 have two units dedicated to Medicare and one
20 unit dedicated to Medicaid, because there's more
21 income based on the Medicare, the number of
22 Medicare beds, and so I would urge, Senator
23 Holland, to think very carefully about the

1 possible consequences of this.

2 Because, one, we're segregating
3 patients within the same facility and, two,
4 there is a possibility that we're going to lose
5 the mix of nursing home beds that we currently
6 have because nursing homes will see it in their
7 interest not to serve Medicaid patients as equal
8 priority to Medicare patients.

9 So I hope that Senator Holland
10 will rethink this and that we're able to come up
11 with a solution that does not require us to
12 segregate patients in any nursing home in the
13 state.

14 (Whereupon, Senator Mega was in
15 the chair.)

16 ACTING PRESIDENT MEGA: Senator
17 Espada.

18 SENATOR ESPADA: Yes, Mr.
19 President. Would Senator Holland yield for a
20 question, please?

21 ACTING PRESIDENT MEGA: Senator
22 Holland, will you yield?

23 SENATOR HOLLAND: Yes, I will.

1 ACTING PRESIDENT MEGA: Senator
2 yields.

3 Senator Espada.

4 SENATOR ESPADA: Senator Holland,
5 I'm advised that RUGS 3 will probably answer
6 some of the questions with respect to these
7 distinctions. They are due to take effect this
8 summer. Why not wait that out and see the full
9 implementation of the new federal initiative
10 there?

11 SENATOR HOLLAND: It's a
12 probability what you say, that RUGS 3 will
13 assist. But they have been slow in implementing
14 RUGS 3 and we just wanted to move ahead.

15 SENATOR ESPADA: Mr. President,
16 if I might follow up.

17 SENATOR HOLLAND: Yes.

18 ACTING PRESIDENT MEGA: You may.

19 SENATOR ESPADA: Having heard the
20 possible ramifications that are not -- it is not
21 the legislative intent of this sponsor, I'm
22 sure. But I tell you coming from a health care
23 background, unfortunately what drives much of

1 the treatment plans, the quality of the
2 treatment plans, is the reimbursement, is the
3 amount of money received at the other end of the
4 treatment phase. That's unfortunate, but it's a
5 real truism in our industry. And I would ask
6 you to please take into account that perhaps in
7 terms of balancing these equities, it may very
8 well be worth our while to wait and see the full
9 impact of RUGS 3. I ask you to please consider
10 that.

11 ACTING PRESIDENT MEGA: Read the
12 last section.

13 THE SECRETARY: Section 2. This
14 act -

15 ACTING PRESIDENT MEGA: Oh,
16 Senator Jones. I apologize.

17 SENATOR JONES: That's okay.

18 ACTING PRESIDENT MEGA: Senator
19 Jones.

20 SENATOR JONES: Will Senator
21 Holland yield for another question?

22 ACTING PRESIDENT MEGA: Senator
23 Holland, do you yield?

1 Senator yields.

2 Senator Jones.

3 SENATOR JONES: Thank you. I'm
4 still trying to get this straightened out in my
5 mind, and I have to admit at this point my heart
6 is also getting involved since I have a
7 92-year-old mother, and I'm trying to picture
8 these two sections here. But is there not a
9 problem today that the number of people -- there
10 are many people in hospitals. I believe that
11 was a major concern during the budget process
12 that there are people waiting for nursing home
13 beds. Is that not correct?

14 SENATOR HOLLAND: That's true,
15 yes, Senator.

16 SENATOR JONES: Okay. Now, my
17 next question is, does the nursing home at some
18 point make a distinction? I'm not sure whether
19 it would be on the number of patients there or
20 whatever. We have, let's say, 30 Medicare beds,
21 40 Medicaid beds. Would it be something like
22 that?

23 SENATOR HOLLAND: I assume that

1 would be in the policy that is approved by the
2 Commissioner, yes, Senator.

3 SENATOR JONES: Okay. Then I
4 guess I'm wondering would that not then create
5 an additional problem if these nursing homes
6 then cut down on the number of Medicaid beds?
7 What would then happen to the people awaiting
8 these beds in hospitals?

9 SENATOR HOLLAND: I wouldn't -- I
10 wouldn't -- I want to go back to what Senator
11 Montgomery said. You know, it's just a
12 possibility. I don't think this is really going
13 to happen. And I also believe that if there was
14 a necessity to change the number of beds, the
15 Commissioner would be more than willing to
16 change the number of beds. I don't think we're
17 going to leave any beds unoccupied if we can put
18 people into them and help the people.

19 SENATOR JONES: Okay. Would the
20 Senator just yield to one more question?

21 ACTING PRESIDENT MEGA: Senator
22 yields.

23 SENATOR JONES: In other words,

1 you're saying, then, that this decision can be
2 changed at any point by a nursing home. Say
3 they needed to change the mix, 30/40, or
4 whatever it could. There would not be a time
5 frame that this would have to happen.

6 SENATOR HOLLAND: Yes.

7 SENATOR JONES: Thank you,
8 Senator.

9 ACTING PRESIDENT MEGA: Are there
10 any other questions or any comments on Senator
11 Holland's bill?

12 If not, read the last section.

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

15 ACTING PRESIDENT MEGA: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MEGA: Senator
19 Smith to explain her vote.

20 SENATOR SMITH: Thank you, Mr.
21 President. As a former administrator in a
22 nursing home, I'm greatly concerned about the
23 segregation that this bill would create,

1 especially since I have been privy to how
2 skilled nursing facility beds and health-related
3 beds have been traded off for the sake of
4 finances. And in communities such as those that
5 I represent, the majority of the people are
6 clearly Medicaid eligible and not Medicare
7 eligible. And I've even watched as people are
8 accepted from hospitals into nursing homes and
9 how the evaluations process can be skewed to
10 take in only those that can be easily taken care
11 of. So this raises an even greater concern,
12 and, therefore, I must vote in the negative.
13 And I urge my colleagues to join me.

14 ACTING PRESIDENT MEGA: Negatives
15 please raise your hand.

16 Senator Santiago to explain her
17 vote.

18 SENATOR SANTIAGO: I would like
19 to ask for unanimous consent to be excused from
20 the vote, please.

21 ACTING PRESIDENT MEGA: Without
22 objection.

23 THE SECRETARY: Those recorded in

1 the negative on Calendar Number 108 are Senators
2 Connor, Espada, Galiber, Jones, Leichter,
3 Markowitz, Montgomery, Paterson and Smith. Ayes
4 42, nays 9.

5 ACTING PRESIDENT MEGA: The bill
6 is passed.

7 Senator Present, that concludes
8 the calendar.

9 SENATOR PRESENT: Mr. President,
10 would you recognize Senator Paterson, please?

11 ACTING PRESIDENT MEGA: Senator
12 Paterson.

13 SENATOR PATERSON: Thank you,
14 Senator President -- Senator Present and Mr.
15 President. With unanimous consent, I would like
16 to be recorded in the negative on Calendar
17 Number 378.

18 ACTING PRESIDENT MEGA: Without
19 objection.

20 SENATOR PATERSON: Thank you.

21 ACTING PRESIDENT MEGA: Senator
22 Montgomery.

23 SENATOR MONTGOMERY: Yes, Mr.

1 President. I would like also unanimous consent
2 to be recorded in the negative also on 378.

3 ACTING PRESIDENT MEGA: Without
4 objection.

5 SENATOR MONTGOMERY: Thank you.

6 ACTING PRESIDENT MEGA: Senator
7 Present. Stand at ease temporarily.

8 SENATOR PRESENT: Mr. President.

9 ACTING PRESIDENT MEGA: Senator
10 Present.

11 SENATOR PRESENT: There being no
12 further business, I move we adjourn until
13 Monday, April 26, at 2:30 p.m., intervening days
14 to be legislative days.

15 ACTING PRESIDENT MEGA: So
16 ordered.

17 (Whereupon, at 1:06 p.m., the
18 Senate adjourned.)

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