ALBANY, NEW YORK

May 17, 1993

3:07 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

Please rise with me for the Pledge of Allegiance to the Flag.

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

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

(A moment of silence was observed.)

ACTING PRESIDENT FARLEY: The Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Friday, May 14th. The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. The Journal of Thursday, May 13th, was read and approved. On motion, Senate adjourned.

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

read:

The order of business:

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Padavan.

SENATOR PADAVAN: Mr. President, on page 26, I offer the following amendments to Calendar Number 31, Senate Print 128,, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Amendments are received; bill will retain its place on the Third Reading Calendar.

SENATOR PADAVAN: On behalf of Senator Volker, I wish to call up his Bill Number 3165, recalled from the Assembly now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read Senator Volker's bill.

THE SECRETARY: By Senator Volker, Senate Bill Number 3165, an act to amend the Penal Law, in relation to the definition of trade loans.

ACTING PRESIDENT FARLEY: Senator Padavan.

SENATOR PADAVAN: I now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT FARLEY: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 31.

ACTING PRESIDENT FARLEY: The bill is before the house. Senator Padavan.

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

ACTING PRESIDENT FARLEY: Amendments received. The bill will retain its place.

Senator Mega.

SENATOR MEGA: Mr. President, on behalf of Senator Cook, would you place a sponsor's star on Senate Print Number 2915, Calendar Number 832, on page 21.

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

SENATOR MEGA: On behalf of Senator Velella, I offer the following amendments to Calendar Number 713, Print Number 4395, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR MEGA: On behalf of Senator Libous, on page 44, I offer the following amendments to Calendar Number 698, Senate print 3928-A, and ask said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR MEGA: Senator Libous again, I offer the following amendments to

Calendar Number 494, Senate Print Number 3517, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR MEGA: Behalf of Senator Bruno -- the next three will be on behalf of Senator Bruno -- on page 39, I offer the following amendments to Calendar Number 615, Senate Print Number 4615, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR MEGA: On page 39, I offer the following amendments to Calendar Number 616, Print Number 4616, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR MEGA: Page 39, I offer the following amendments to Calendar Number 617, Senate Bill Number 4617, and ask that said bill

retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection, the bills are amended.

SENATOR SPANO: Mr. President.

ACTING PRESIDENT FARLEY: Senator Spano.

SENATOR SPANO: Mr. President, I'd just like to take a minute to make an announcement.

Over in the well, today and Wednesday is the OMH exhibition. This is the sixth year that we have been sponsoring this exhibition with the Office of Mental Health and Assemblyman Steve Sanders, who is my colleague, who is my counterpart as chair of the Assembly Mental Health and Developmental Disabilities Committee, and I would ask that the members who are here and within earshot take a few moments to stop by, take a look at the works that are on display, all the works that are made from the hands of people who suffer from a mental illness, people who have been institutionalized, who show that they can, in fact, make a real

positive contribution to our community, and I hope that the Senators who are -- who have psychiatric centers that are represented here - we have 19 psychiatric centers, many of them who are represented there -- will maybe get a chance to go down and say hello to their constituents who are there, take a look at some of the products that are being sold, everything from doughnuts to wall furniture is there.

Hope that everybody will take an opportunity over the next few days to stop by.

ACTING PRESIDENT FARLEY: Thank you, Senator Spano.

SENATOR SPANO: Thank you.

ACTING PRESIDENT FARLEY: Are there any other announcements, motions on the floor?

Senator Present, I think it's your turn.

SENATOR PRESENT: Mr. President, I think it's time to take up the non-controversial calendar.

ACTING PRESIDENT FARLEY:

Non-controversial, Secretary will read.

THE SECRETARY: On page 26, Calendar Number 138, by Senator Saland, Senate Bill Number 2363-B, an act to amend the Social Services Law and the Public Health Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 34.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 432, by Senator Cook, Senate Bill Number 2549, an act to amend the Education Law, in relation to -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number

465, by -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 480, by Senator Lack, Senate Bill Number 937.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 484, by Senator Lack, Senate Bill Number 3600-A, an act to amend the Civil Service Law, in relation to the compensation of job titles.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: You can call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 34.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 538, by Senator Sears, Senate Bill Number 1547 A, legalize, validate certain acts and proceedings of the town of Floyd, county of Oneida.

ACTING PRESIDENT FARLEY: There's a home rule message here at the desk. Now, you can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 34.

ACTING PRESIDENT FARLEY: That bill is passed.

SENATOR GOLD: Lay aside. Oh, I'm sorry.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 602.

SENATOR GOLD: Yeah, I'm going to

star that.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 608, by Senator Trunzo, Senate Bill Number 4592.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Lay that aside.

THE SECRETARY: Calendar Number 641, by Senator Saland, Senate Bill Number 3428 A, an act to amend the Family Court Act.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 35.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 654, by Senator Volker, Senate Bill Number 3362.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 657, by Senator Tully, Senate Bill Number 4672, amends Chapter 483 of the Laws of 1978, amending the Public Health Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 658, by Senator Tully, Senate Bill Number 4683, an act to amend the Public Health Law.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 660, by Senator Daly.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 673, by Senator Saland.

SENATOR GOLD: Lay aside for Senator Galiber.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 682.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 699, by Senator Spano, Senate Bill Number 4453-A, an act to amend the Mental Hygiene Law, the County Law, the Criminal Procedure Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 701, by Senator Farley, Senate Bill Number -

SENATOR GOLD: Can I have one day on that, please?

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

THE SECRETARY: Calendar Number 702, by Senator Tully, Senate Bill Number 2430, an act to amend the Retirement and Social

Security Law.

ACTING PRESIDENT FARLEY: There's a home rule message here at the desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 703, by Senator Kuhl, Senate Bill Number 34 -

SENATOR GOLD: Can we have one day on that, please?

ACTING PRESIDENT FARLEY: What's your pleasure on that, please, Senator Kuhl?

SENATOR KUHL: Lay aside for the day.

ACTING PRESIDENT FARLEY: Laid aside for the day.

THE SECRETARY: Calendar Number

704, by Senator Skelos, Senate Bill Number 3739, Retirement and Social Security Law.

ACTING PRESIDENT FARLEY: There's a home rule message here at the desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 706, by Senator Spano.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 707, by Senator Velella, Senate Bill Number 4379, Civil Service Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 708, by Senator Trunzo, Senate Bill Number 4707, Education Law, and the Retirement and Social Security Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number

709, by Senator Skelos, Senate Bill Number 4942, Retirement and Social Security Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 719, by Senator Halperin, Senate Bill Number 2587, an act to amend the Public Authorities Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 720, by Senator Daly.

SENATOR PRESENT: Lay aside.

ACTING PRESIDENT FARLEY: For the day, Senator Present?

SENATOR DALY: For the day.

SENATOR PRESENT: For the day.

ACTING PRESIDENT FARLEY: Lay it aside for the day.

Senator Present, that's the first time through. What's your pleasure?

SENATOR PRESENT: Mr. President, let's take up the controversial calendar.

ACTING PRESIDENT FARLEY: Controversial, the Secretary will read.

THE SECRETARY: On page 32, Calendar Number 432, by Senator Cook, Senate Bill Number 2549, an act to amend the Education Law, in relation to annual meetings and elections.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT FARLEY: Laid aside temporarily.

THE SECRETARY: Calendar Number 465, by Senator Hannon, Senate Bill Number 643 A, Emergency Housing Rent Control Law.

SENATOR GOLD: Mr. President, I think Senator Leichter has an amendment and I don't know, Senator Hannon, I don't believe is here. Lay it aside temporarily?

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 480, by Senator Lack, Senate Bill Number 937, Civil Service Law.

SENATOR GOLD: Explanation.

THE SECRETARY: In relation to the duration of eligible lists.

ACTING PRESIDENT FARLEY: Senator

Lack, Senator Gold has asked for an explanation.

SENATOR LACK: Lay it aside for the day, would you?

ACTING PRESIDENT FARLEY: Laid aside for the day.

THE SECRETARY: Calendar Number 602, by Senator Velella, Senate Bill Number 4481, an act to amend the Insurance Law, in relation to the election of a Superintendent of Insurance.

SENATOR SOLOMON: Explanation.

ACTING PRESIDENT FARLEY: Laid aside temporarily.

SENATOR GOLD: Mr. President, would you recognize Senator Waldon?

SENATOR WALDON: Mr. President, am I recognized?

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR WALDON: Thank you very much, Mr. President. My colleagues, I respectfully request unanimous consent to be recorded in the negative on Calendar Number 702.

ACTING PRESIDENT FARLEY: 720?

SENATOR WALDON: Seven-zero-two.

ACTING PRESIDENT FARLEY: 702, O.K., without objection.

THE SECRETARY: Calendar Number 608, by Senator Trunzo, Senate Bill Number 4592, an act to amend the Civil Service Law.

SENATOR STACHOWSKI: Could we lay it aside.

ACTING PRESIDENT FARLEY: Senator Trunzo, the request has been made to lay it aside temporarily.

THE SECRETARY: Calendar Number 654, by Senator Volker, Senate Bill Number 3362, Chapter 198 of the Laws of 1978.

SENATOR STACHOWSKI: Can we get one day on that?

SENATOR PRESENT: Lay aside.

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

THE SECRETARY: Calendar Number 660, by Senator Daly, Senate Bill Number 3205, an act to amend the Social Services Law and the

Public Health Law.

SENATOR HOFFMANN: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for, Senator Daly, by Senator Hoffmann.

SENATOR DALY: Is this on Senate Print 3205?

ACTING PRESIDENT FARLEY: 3205.

SENATOR DALY: Thank you.

Mr. President, let me begin my explanation of this bill -

ACTING PRESIDENT FARLEY: Before you begin, I'd like to ask for a little order in the chamber.

Senator Daly.

SENATOR DALY: Mr. President, let me begin by just talking about what really precipitated this bill. I'm holding in my hand a newspaper clipping from western New York, two newspaper clippings in fact, one which says Medicaid to Cover Birth by Woman with $160,000, another Medicaid Abuse Seen as Road to Bankruptcy.

Basically, what these newspaper stories are talking about, Mr. President, they are the PCAP program which is an exceptionally good program, as long as it covers the right people.

Now, under the existing law, any woman can qualify for PCAP, PCAP being, by the way, Mr. President, prenatal care, the birth itself and post-natal care. Any woman can qualify for PCAP without listing -- listing the liquid assets of that -- that the family has and, in this particular case I referred to before, the family actually had $160,000 in liquid assets.

We debated this bill last year, Mr. President. Let me begin also by commenting, this bill does not -- does not, I repeat, apply to people on Medicaid.

ACTING PRESIDENT FARLEY: Senator Daly, there seems to be a lot of noise in the chamber, conversations, and so forth, and some of the Senators are having trouble hearing you. I'm going to ask that they either take their

conversations out of the chamber or we'll ask them to leave the chamber.

Senator Daly.

SENATOR DALY: Thank you, Mr. President.

The bill would mandate that any person who applies for PCAP aid would fill out the same form in exact... and answer the same questions as required by people applying for Medicare -- Medicaid and welfare. It's interesting that they both must fill out the same form, but those applying for PCAP do not have to answer the section called "Resources" dealing with liquid resources.

Now, what are liquid resources? The bill spells it out, Mr. President, and let me read that section to you.

"Liquid resources not to exceed $15,000", which is the limit we placed in the bill on the amount of liquid resources a person can have, "which shall be increased annually by the same percentage as the percentage increase in the federal Consumer Price Index. Liquid

resources, for the purpose of this paragraph, means cash on hand, negotiable instruments, demand deposits and time deposits within banking organizations, stocks, bonds and mutual fund shares, provided, however, such accounts designated as Individual Retirement Accounts shall not be considered liquid resources."

Now, if you interpret this bill, and I should say follow the program as this bill -- the existing law would have it, it would mean that anyone with a half a million dollars, a million dollars, in liquid resources could apply for PCAP.

Mr. President, we certainly are not trying to hurt or hinder or take away benefits from those people who require them. The point I'm making with this bill is that, one, to allow people with that amount of liquid resources literally hurts all of the programs that we have in the state for the poor, because it is -- it really destroys the credibility of our entitlement program and, when this story broke in my district, my -- my office was

inundated with calls. I received many letters, people who would complain about this and say this is an indication of why the entitlement program in the state is so bad.

Now, we've amended this bill this year, so that the last -- the bill before this house last year, we had a limit of $12,000 in liquid resources. We've increased that amount to 15,000. We've also added another paragraph and I'll read to you, "Notwithstanding the provisions of paragraph (b) of the subdivision, a pregnant woman shall be presumed eligible during such time as the Department of Social Services considers the exemption of available resources as provided."

So a person who is -- might be on the line, might be questionable, still will receive the prenatal care that she deserves.

In summation, Mr. President, I feel this law should be changed. No one in this house would deny the right of the person in need to receive the benefits he or she deserves, but I submit to my colleagues that to have a

loophole in the law where someone with liquid resources of 100,000, 200,000, 500,000 and on, certainly should not be subsidized by the people of the state.

We hurt the poor. Here again, we have an example of where the poor can subsidize the rich. No one wants to destroy or even injure the PCAP program, Mr. President. However, we don't think that the people of the state should be expected to subsidize people with large amounts of liquid resources. We have a tough time as it is, Mr. President, taking care of the poor. Holes in our laws such as this complicate that problem because importantly it hurts the credibility of all of our Medicaid and welfare program.

People tend to generalize and they see a loophole like this and they say, Look, that's what we're paying taxes for so that people with a half a million, in this particular case $160,000, can receive prenatal and post-natal care.

In essence, Mr. President, that

is the bill and the purpose for the bill.

ACTING PRESIDENT FARLEY: Senator Smith, I think was first up.

SENATOR HOFFMANN: Mr. President, I wanted to ask if Senator Daly would yield for a question.

SENATOR DALY: I certainly would yield.

ACTING PRESIDENT FARLEY: Senator Smith, is that all right with you? She was next on the list.

Senator Hoffmann.

SENATOR HOFFMANN: Would Senator Daly yield for a question?

SENATOR DALY: Yes, Mr. President.

SENATOR HOFFMANN: Senator Daly, how many cases did you say had been documented of this alleged abuse in the PCAP program?

SENATOR DALY: I did not say how many cases were documented, Senator. Very frankly, I can't give you an exact figure, and, very frankly, it doesn't matter. This is a

matter of principle. Even if there are only two cases in the state, no loophole such as that should continue in law.

There are -- there have been more. We can estimate maybe a savings of up to a million dollars, again depending, California has amended its laws so that it too limits the amount, the availability of this program to those people with a large number, I should say a large amount of liquid resources.

SENATOR HOFFMANN: Would Senator Daly yield for a further question?

ACTING PRESIDENT FARLEY: Senator Daly, will you yield?

SENATOR DALY: Yes, I will.

SENATOR HOFFMANN: Am I correct in understanding, then, that there are no additional documented cases beyond the one case that was the subject of a news story in your area, last year?

SENATOR DALY: Mr. President, I didn't want to -- I didn't look for any more documented cases.

SENATOR HOFFMANN: Thank you, Mr. President.

SENATOR DALY: The law stands as is. I don't need cases, Mr. President, to tell me when I think a law is bad and should be changed. Again, back to the principle, Mr. President: Should the people of the state, those people who are earning 25,000, $30,000 subsidize people with a half a million dollars, in this particular case subsidize a person with $160,000?

I think that's really a violation of the very intent of our entitlement program.

ACTING PRESIDENT FARLEY: Senator Smith.

SENATOR SMITH: Thank you, Mr. President.

Before we proceed, could you please explain to me what is the procedure for being recognized in this chamber?

ACTING PRESIDENT FARLEY: Well, generally speaking, it's the first person that I recognize that attracts my attention. I saw

your hand go up first, and then I saw Senator Hoffmann's.

SENATOR SMITH: Is there not a procedure when you want to speak having your name listed so that you may speak?

ACTING PRESIDENT FARLEY: Yes, there is, if there's a long list.

SENATOR SMITH: Thank you, Mr. President.

ACTING PRESIDENT FARLEY: I didn't list anybody's name per se.

SENATOR SMITH: Excuse me. I had asked earlier.

ACTING PRESIDENT FARLEY: Yes, I understand. I recognized you first. Would -

SENATOR SMITH: Mr. President, would you ask Senator Daly, if he would yield for a few questions?

ACTING PRESIDENT FARLEY: Senator Daly, will you yield to Senator Smith?

SENATOR DALY: Yes, Mr. President.

SENATOR SMITH: Senator Daly, I

promise that this year I won't ask you when was the last time that you had a baby.

SENATOR DALY: I think that's on the record from last year, Senator.

SENATOR SMITH: Senator Daly, if a female has 12 children, what is the minimum under this legislation that she would be eligible to have in liquid assets?

SENATOR DALY: Under this legislation, Mr. President, $15,000 but, Mr. President, of course, that does not apply to homes, automobile, only applies to the liquid assets that I read before from the bill.

SENATOR SMITH: If a person has four children, what is the amount that they can have in liquid assets?

SENATOR DALY: The bill, $15,000, Mr. President.

SENATOR SMITH: So $15,000 in liquid assets would apply to a family of one, being a single mother, or to a person having 15 children.

SENATOR DALY: Mr. President, let

me clarify that.

ACTING PRESIDENT FARLEY: Senator Daly.

SENATOR DALY: Under the federal PCAP law, you qualify when you're up to 185 percent of the poverty -- federal poverty level. Also the federal law itself changes, differentiates between a household with one child and a household with eight children. I have a copy of that right here, Senator, and there would be -- when you hit 185 percent of income, for example, you would go up to $17,000.

SENATOR SMITH: And how many -

SENATOR DALY: I don't have it for 12.

SENATOR SMITH: Would you yield -- would the Senator yield for another question?

ACTING PRESIDENT FARLEY: Senator Daly, you still yielding?

SENATOR DALY: Yes, Mr. President.

SENATOR SMITH: Senator Daly, how many people in that household for $17,000?

SENATOR DALY: I'm sorry, Senator. I did not hear that question.

SENATOR SMITH: How many people would constitute a household to -- under $17,000 to be eligible after $17,000?

SENATOR DALY: How many people would constitute a household?

SENATOR SMITH: If they had $17,000, how many people in that household?

SENATOR DALY: That would be eight and, again, Senator, can I correct you? You said made $17,000. This has nothing to do -- this has to do with the liquid resources they have available, does not have anything to do, for example, with their income. That's handled separately under the federal. We don't change that; we do not change that. That stays as is.

Remember, this is a program subsidized by both the federal and the state. What we have is a figure for liquid assets, as I

defined before, of up to $15,000.

SENATOR SMITH: Would the Senator yield?

SENATOR DALY: By the way, Mr. President, I might say if a person had that, was over 185 percent of the federal poverty level, they would not qualify for PCAP under the existing program. We're not assaulting the federal guidelines or the federal standards, Mr. President. We're dealing with that part of the law with which the state can deal and that deals with liquid resources and, again, I repeat to the Senator, you must, when you apply for Medicaid, list your liquid resources. Isn't it interesting you don't have to list your liquid resources, your liquid assets, when you apply to PCAP?

And what we're saying, Mr. President, is to be fair that a person should be forced to list their liquid resources whether or not they're applying for Medicaid or for PCAP.

SENATOR SMITH: Is the Senator still yielding?

ACTING PRESIDENT FARLEY: Are you still yielding, Senator Daly?

SENATOR DALY: Yes, Senator.

ACTING PRESIDENT FARLEY: Yes, he is.

SENATOR SMITH: Senator Daly, how do we normally acquire liquid assets?

SENATOR DALY: You acquire liquid assets by saving money, by investing, perhaps receiving it from your family. May -- does that answer your question?

May I ask, would the Senator yield for a question?

ACTING PRESIDENT FARLEY: Would you yield, Senator Smith?

SENATOR SMITH: Certainly.

SENATOR DALY: Does the Senator feel that it is just and right for someone with, let us say, a half a million dollars in liquid assets and stocks and bonds to be subsidized by the people of the state for prenatal and post natal care?

SENATOR SMITH: Senator Daly, I

feel that, just because one of your constituents was able to circumvent existing law, does not mean that we should penalize all the other women of the state of New York.

SENATOR DALY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Daly.

SENATOR DALY: I want to answer that. Interestingly, the Senator did not answer my question when I asked her should someone with a half a million dollars receive the benefits of PCAP, as you can under existing law, and that's what upsets me.

SENATOR SMITH: And -

SENATOR DALY: I certainly don't want to take anything away from the person who needs it. That's why I asked the question.

SENATOR SMITH: I believe I asked him to yield for a question, and I asked -

SENATOR DALY: And -

ACTING PRESIDENT FARLEY: And, Senator Daly, I've forgotten who has the floor. Senator Smith, you've got it.

SENATOR SMITH: Thank you, Mr. President.

Senator Daly, I believe that I have answered your question about your constituents and their non-compliance with the law, and I do not feel that the constituents that I represent who are honest, hard-working -

SENATOR DALY: Mr. President.

SENATOR SMITH: -- and often times on Medicaid.

SENATOR DALY: Would the Senator yield for an important point?

ACTING PRESIDENT FARLEY: Would you yield to Senator Daly?

SENATOR DALY: Please, Senator.

SENATOR SMITH: I haven't heard one yet, but I'll yield.

SENATOR DALY: Well, maybe I'll find one for you, Senator.

The point is this, Senator: You said a constituent of mine who did not comply with the law. That's the problem; that's the problem. She did comply with the law and,

Senator, would the Senator recognize that if someone had $500,000 or a million dollars in the bank and applied for PCAP, applied for PCAP, that she would comply with the law and the state would have to recognize that?

ACTING PRESIDENT FARLEY: Senator Smith.

SENATOR SMITH: Mr. President, may I continue now that he's given me some more questions to ask. Will you yield?

ACTING PRESIDENT FARLEY: Senator Daly?

SENATOR DALY: I will be happy to, yes, Mr. President.

SENATOR SMITH: A few moments ago, you read to me the federal guidelines for PCAP; is that correct?

SENATOR DALY: Yes, I did.

SENATOR SMITH: And what did you indicate were the federal guidelines for PCAP?

SENATOR DALY: 185 percent of the federal poverty level. Remember, Senator, that PCAP does not apply to anyone on Medicaid, first

of all. It only is, since people on Medicaid are already covered, this is for people who are above the Medicaid.

SENATOR SMITH: Mr. President, would the Senator yield for another question?

ACTING PRESIDENT FARLEY: Would you yield for another question?

SENATOR DALY: Certainly.

SENATOR SMITH: Your constituent who circumvented the law, what was her income at that time?

SENATOR DALY: Mr. President, she did not circumvent the law, and that's the problem with the law. The law allows that. That's the point I'm making. The law says - the law says, Mr. President, that when you apply for PCAP, you don't have to fill out that same question that you have to fill out when you apply for Medicaid. You leave out -- you leave out liquid resources, liquid assets, so that person did not circumvent the law. That person was fully in compliance with the law. The county involved had to put the person on PCAP.

That's the problem. If someone with a half a million dollars in liquid resources, liquid assets, applies to PCAP, she can -- and meets the rest of the requirements, she can not be refused.

SENATOR SMITH: Mr. President.

ACTING PRESIDENT FARLEY: Senator Smith.

SENATOR SMITH: May I continue with my -

ACTING PRESIDENT FARLEY: If Senator Daly is still yielding, which I think he will.

SENATOR DALY: Certainly.

SENATOR SMITH: Senator Daly, you said that there was a requirement under federal guidelines, did you not?

SENATOR DALY: Yes.

SENATOR SMITH: What were those requirements?

SENATOR DALY: That income, as I said, they have to come within 185 percent of the federal -

SENATOR SMITH: Well, you still haven't answered our question, Mr. -- Senator Daly.

SENATOR DALY: What is it? I'm sorry.

SENATOR SMITH: You keep circumventing it.

SENATOR DALY: Well, what -- would you repeat the question one more time?

SENATOR SMITH: The question was, your constituent that circumvented the law, what was her income at the time that she received PCAP?

SENATOR DALY: Obviously, Mr. President, her income was less than 185 percent, but what they had, Mr. President, was stocks and bonds from which they were receiving no income but which were in the bank which could have been sold, part of them could have been sold to pay for the birth of that child, and the care of that child, and I'm submitting, Mr. President, that's exactly the point of the bill, that person with that amount of money should be

spending her own money or his own money for the birth of the child.

SENATOR SMITH: Mr. President.

ACTING PRESIDENT FARLEY: Senator Smith.

SENATOR SMITH: Is Senator Daly still yielding?

SENATOR DALY: Yes.

ACTING PRESIDENT FARLEY: Yes, he still yields.

SENATOR SMITH: You stated that it is obvious. It is not obvious, and if you are attempting to make new guidelines, then I think that we have to be a little clearer and have the evidence of what we are portraying so that we can make a clear decision, but you still have not answered the question that has been put forward.

SENATOR DALY: May I try one more time? We're looking at two parts -- two different parts. One says your income, how much money is your family receiving every week or every month. That has to be under the federal

guideline of no more than 185 percent of the federal poverty level.

But there's another section, Mr. President, that deals with liquid resources, liquid assets, money that you have in the bank or that you have in stocks and bonds -- I read the list before -- from which you're not receiving income at this time, but that money is there in the family. It's sitting in stocks, bonds or whatever, not being used, and the purpose of this bill, Mr. President, is to tell those people who are -- who have that type of money, the liquid assets, they must use that money to defray the cost of prenatal care and post-natal care rather than the people of the state of New York.

ACTING PRESIDENT FARLEY: Senator Smith.

SENATOR SMITH: Mr. President, on the bill.

ACTING PRESIDENT FARLEY: On the bill.

SENATOR SMITH: I would just like

to ask that some of the comments from last year be added to this year, that nothing has changed and this is -- this bill is just as unfair to the women of the state of New York in 1993 as it was in 1992. Thank you.

ACTING PRESIDENT FARLEY: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President.

I want to praise Senator Daly for attempting to modify the bill that he presented last year, but I'm afraid that it does not come close to making it an acceptable piece of legislation and it embarrasses me somewhat to be in a chamber today with all of the problems that we have in the state and have something that smacks of a stereotyped element of prejudice.

I'm reminded of a song a number of years ago that was very popular on the country charts for a little while called "Welfare Cadillac". It preyed on every conceivable stereotype about poor people and very self-righteously somebody sang about how

tax money is wasted on and people who should have been out working and should not have been driving around in a Welfare Cadillac.

SENATOR DALY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Daly, why do you rise?

SENATOR DALY: Will Senator Hoffmann yield for a question?

ACTING PRESIDENT FARLEY: Will you yield, Senator Hoffmann, to a question from Senator Daly?

SENATOR HOFFMANN: I will.

SENATOR DALY: Going back to your comparison -

SENATOR HOFFMANN: It wasn't a comparison, I was reminded of something.

ACTING PRESIDENT FARLEY: Please address your comments through the Chair.

SENATOR DALY: Are you aware, Senator, that this doesn't apply to anyone on Medicaid, anyone on welfare, this bill?

SENATOR HOFFMANN: Thank you, Senator Daly.

SENATOR DALY: Are you aware of that?

SENATOR HOFFMANN: Thank you.

SENATOR DALY: Thank you.

SENATOR HOFFMANN: As I said, we are talking in stereotypes and we make reference to people who have allegedly taken advantage of the system and we're talking to a population where everybody feels over-taxed and over-worked and we know certainly most Americans, most New York State residents work until June or July in order to pay their taxes before they start working for themselves.

It's very easy to introduce a bill and talk about how it's going to end in abuse, but what is particularly sad about this bill and the thinking behind it is that it is aimed to end an abuse possibly based on one case, possibly based on many cases, but in attempting to curb an alleged abuse, it would create a tremendous step backward from the great strides that have been taken with a very important, necessary program.

SENATOR DALY: Mr. President.

SENATOR HOFFMANN: On a national level, we have a problem in our country that puts us in line with many third world countries.

SENATOR DALY: Will the Senator yield?

SENATOR HOFFMANN: Our mortality rate is astronomically higher than it should be.

ACTING PRESIDENT FARLEY: Senator Hoffmann, would you yield to a question from Senator Daly?

SENATOR HOFFMANN: Yes, I'll yield.

SENATOR DALY: Senator, my bill would say, or it does say, that if you have 15,000, less than $15,000 in liquid assets you could qualify. Can you give me a figure right now of how much -- the present law says that if you have a million dollars in liquid assets that you're not tapping at a particular time, not receiving income from, that you can qualify for PCAP. Can you pick a figure for me, Senator,

how much money should someone have in stocks and bonds so that they would not qualify for PCAP so that the prenatal care, the birth and the post-natal care would be taken care of by the family from their liquid assets? Would you say that perhaps a family should be allowed up to a hundred thousand dollars?

SENATOR HOFFMANN: Senator Daly, I am -

SENATOR DALY: Give me a figure, give me a figure.

SENATOR HOFFMANN: You're through with your question. I will respond to it, Mr. President.

In response to Senator Daly's question, no, I am not interested in picking a figure or discussing figures or even discussing the element of liquid assets in this issue because that is precisely the problem, as I see it. My fear is that the introduction of this new barrier to people who are, in fact, deserving of prenatal health care, sends a terrible message for this state.

We have, as I started to say before, an infant mortality crisis in this state. I am sorry to say that my district has one of the highest infant mortality rates in the state and, along with Senator DeFrancisco, I am very worried about the effect of any kind of barrier to prenatal health care for people who truly need it.

The issue of a means test is much more than finding out what assets are and what government's programs can address. The issue of a means test when we are talking about prenatal health care is how a young woman -- how a young girl is going to be able to comprehend that there is a barrier and how she is going to get past that barrier in order to get health care for an unborn infant and for herself, and I believe that it is essential that we eliminate as many barriers as we can to bring the largest number of young women and girls into this net of protection.

We're now looking at ways that the state can assist funding school-based

clinics to provide prenatal care for pregnant teenagers, even junior high school students in this state, who are asking for prenatal care for their infants and in order for them to get that care, there must be no barrier whatsoever. They must know that they can easily obtain -

ACTING PRESIDENT FARLEY: Senator Present, why do you rise?

SENATOR PRESENT: Senator Hoffmann, may I interrupt for a moment?

SENATOR HOFFMANN: Certainly, Mr. President.

SENATOR PRESENT: Mr. President, may I have the last section of this bill read and have two people's names called so that they can vote.

ACTING PRESIDENT FARLEY: Secretary will read the last section of this bill. There are two people to vote.

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

SENATOR PRESENT: May Senator Oppenheimer's name be called?

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: I vote in the negative. Thank you.

SENATOR PRESENT: And Senator Marchi's name be called.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: I vote aye.

ACTING PRESIDENT FARLEY: Close the roll.

SENATOR PRESENT: Have the roll call withdrawn. Senator Hoffmann, thank you.

SENATOR DALY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Hoffmann.

SENATOR HOFFMANN: I'm not going to yield at this time, Mr. President. I prefer not to yield, and I think I will wait and finish.

ACTING PRESIDENT FARLEY: She refuses to yield.

SENATOR HOFFMANN: I think there's been a lot of yielding going on, and I

think I will stick to my train of thought and try to move things along a little bit faster.

I do agree with Senator Daly about abuses of this program. I worry about abuses. I worry about other things as well. One of the abuses I worry about is the tremendous absence of enforcement for child support, court-ordered child support by fathers who are not paying their fair share for the support of children they have helped bring into this world, and I wish that Senator Daly and other members of this chamber would aggressively pursue that tremendous abuse. I understand we're owed something like a billion dollars in child support by delinquent fathers in this state. That's the type of abuse that I think the taxpayers of my district would better understand than the potential abuse by one individual or even number of hypothetical individuals who may have had some bank accounts or may have had some stocks and bonds.

And let me point out in case some of my colleagues on the other side of the aisle

have not thought of this, that very often those liquid assets that you are discussing, the liquid assets that are the basis of this bill are in the control of men. There may, in fact, be a woman out there with a half a million dollars hypothetically in liquid assets who doesn't have a clue that there are a half a million dollars in liquid assets available to her or should be available to her, and there are probably many, many women and girls out there who don't know or don't have access to their family's financial resources, and to make a young woman or a teen-aged girl -- and I have to come back and say teen-aged girl again and again so that you grasp what it is that we are really talking about here -- we are talking about young frequently uneducated, very culture -- very often culturally deprived women, women and girls, who don't even understand the basics of medical care for themselves who have to learn what prenatal care for an infant is.

This is not your garden variety middle class family going to an obstetrician

gynecologist getting ready to have a baby. This program is for women and girls at risk and it is to give us a better start in educating and having healthy babies in this state, planned or unplanned. Those, in fact, deserve to have the very best type of prenatal health care we can afford, and to be particularly callous about it, it is in the best financial interest of all the taxpayers of the state to see that they get that early head start on a healthy life because we know that the costs are astronomical to educate a low birth weight infant. In fact, the American College of Obstetricians and Gynecologists, in opposing this bill, points out to us that the lifetime cost for caring for a low birth weight infant can reach $400,000. Let's bear that expense and let's ensure that some of those low birth weight infants can have a good head start on life and be meaningful, productive citizens. Let's not prejudge them by prejudging the woman who didn't know what her family's resources were or failed to calculate correctly, and simply went to a clinic and said,

"I'm pregnant; I want my baby to have the right kind of care. I can't afford it or I don't think I can afford it. Can a doctor see me?" Why would we punish that infant?

But that's what will happen under this bill because there are women there who will be discouraged. There will be girls there who will simply not understand what these complicated forms mean and they simply will not go and seek that health care.

48 other states have taken aggressive action to streamline Medicaid eligibility and make the access to prenatal health care more readily available. New York State has always had it readily available. Why now, at a time when we still have a terrible in fant mortality rate, why now would we take a step backwards? Why would we do something less enlightened to help stem the tide of these low infant births at a time when the rest of the country has recognized that we need to do more?

I understand the frustration about abuse of the system. We all have to

respond to that, but let's pick something that shows that we're going after the right people. Let's not pick something that is once again an example of poor bashing, an example of blaming those who can least defend themselves.

I'm not going to try to produce a dozen 14-year-old girls to come into the Capitol and explain and lobby why they need this program. It should be self-evident why they need this program, but they are out there and we all represent them and we should all be responding to their needs, not to the abuse or the alleged abuse by one individual in one part of the state.

SENATOR DALY: Mr. President, will the Senator yield?

ACTING PRESIDENT FARLEY: Senator Daly.

SENATOR DALY: Would Senator Hoffmann yield now?

ACTING PRESIDENT FARLEY: Senator Hoffmann, would you yield to Senator Daly?

SENATOR HOFFMANN: Certainly,

Senator Daly.

SENATOR DALY: Senator, are you familiar with the language on page 3 of the bill where we say a pregnant woman shall be presumed eligible during such time as the Department of Social Service considers the exemption?

SENATOR HOFFMANN: I'm familiar with most of the language of the bill, Senator Daly.

Mr. President, in response to Senator Daly's question, I would say again that it is not the language of the bill, it is not the dollar amount, it is the intent to establish a barrier that is the problem in this bill. We're dealing with a question here of semantics when Senator Daly asks me a question about do I know the language or what dollar amount would I find acceptable?

That is not the issue. The issue here is that we should not be imposing a means test. We should not be establishing the principle that Senator Daly has suggested be incorporated in this bill. There's a very basic

difference of opinion on that bill.

ACTING PRESIDENT FARLEY: Senator Daly.

SENATOR DALY: Mr. President, isn't it interesting that every time I ask the question, almost every time I don't get an answer. I ask the people on the other side, give me a number, tell me how much money a person should have in resources. I get no answer. I have -- should someone with a half a million dollars in stocks and bonds be subsidized by the people of the state? I don't get an answer; right around the corner.

I ask people over there that have read the bill and they know that a person's covered, automatically covered until it's proven that she's not eligible. I still don't get an answer. As you know, Mr. President, it's very easy to become emotional about an issue like this. We're dealing with children and you know, no one likes to feel that they're callous and uncaring but, you know, Mr. President, when you look at this particular section of law and

compare it, you know, compare these people who are above the Medicaid welfare limit and see that they're treated differently and privileged, given privilege that Medicaid and welfare recipients do not have, a Medicaid and welfare recipient has to fill out that part of the form, a person whose income is above the Medicaid welfare eligibility limit does not. So literally I see this bill as discriminating - discriminating against the poor, Mr. President.

Again, it's a matter of principle. Should the taxpayers of this state be asked to subsidize people who have, in this particular case, $162,000, a million dollars? That's the hole. That's the law. The law says that, if you want people -- if you want to request PCAP, you don't have to tell the state how much you have in liquid assets.

We destroy the credibility of our entitlement programs, of our necessary Medicaid and welfare programs when we refuse to fill in holes in our law that exist. We get complaints from the people all the time about the money

we're spending on Medicaid/welfare. They picked this up and, by God, the door is open and the screaming begins, and it hurts. It hurts the poor people that require assistance, that deserve assistance, that should get that assistance.

All I'm saying is someone with a large amount of resources, liquid assets in this particular case, should not -- should not be subsidized, and people such as that should pay for their own. To do otherwise again, clearly destroys the faith of the people of this state in our entitlement program, and welfare bashing begins all over.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day after it shall have become a law.

SENATOR HOFFMANN: Slow roll call.

SENATOR STACHOWSKI: Slow roll call.

ACTING PRESIDENT FARLEY: Slow roll call. Ring the bell.

THE SECRETARY: Senator Babbush excused.

Senator Bruno.

SENATOR BRUNO: Yes.

THE SECRETARY: Senator Connor.

SENATOR CONNOR: No.

THE SECRETARY: Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator Daly.

SENATOR DALY: Yes.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: To explain my vote.

ACTING PRESIDENT FARLEY: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: I'm voting yes, and it's not because I'm callous, it's not because I'm against people getting quality health care. I just seem to believe, have the radical thought if you have assets you should

pay for your services, as opposed to having someone else pay for them, and I would think if the assets are liquid and there's $15,000, then it's not unreasonable to assume that someone, whether you're 13 years old or 50 years old, should have to pay for their own services especially when there's a presumption of eli gibility and there's immediate service. So I'm going to vote yes for those reasons.

ACTING PRESIDENT FARLEY: Continue the roll.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: No.

THE SECRETARY: Senator Espada excused.

Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Galiber.

SENATOR GALIBER: No.

THE SECRETARY: Senator Gold.

(There was no response.)

Senator Gonzalez.

(There was no response.)

Senator Goodman.

SENATOR GOODMAN: Yes.

THE SECRETARY: Senator Halperin.

(There was no response.)

Senator Hannon.

(There was no response.)

Senator Hoffmann.

SENATOR HOFFMANN: Mr. President, to explain my vote.

ACTING PRESIDENT FARLEY: Senator Hoffmann to explain her vote.

SENATOR HOFFMANN: I was pleased last year that this bill was not voted along party lines, that there were, in fact, three members on the other side of the aisle, including the chair of the Health Committee, Senator Tully, who chose to vote against imposing restrictions of this sort upon the pregnant women of this state.

And so I would hope, once again, that we would have people think twice about the

kind of message this sends. The issue is not simply whether there are assets or whether or not there are assets. The issue is that it creates a barrier, real or imagined. If the barrier is there, and if it is going to prevent some young people, pregnant teen-age girls in particular, from obtaining prenatal health care and if it is going to create more low infant - low weight infants in this state and hurt us in terms of a higher rate of infant mortality than any civilized country should accept, then I believe it's a very bad vote, and I'm happy to vote no.

ACTING PRESIDENT FARLEY: Continue the roll.

THE SECRETARY: Senator Holland.

SENATOR HOLLAND: Yes.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Aye.

THE SECRETARY: Senator Jones.

SENATOR JONES: No.

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Aye.

THE SECRETARY: Senator Lack.
SENATOR LACK: Aye.
THE SECRETARY: Senator Larkin.
SENATOR LARKIN: Aye.
THE SECRETARY: Senator LaValle.
SENATOR LAVALLE: Aye.
THE SECRETARY: Senator Leichter.
SENATOR LEICHTER: No.
THE SECRETARY: Senator Levy.
(There was no response.)
Senator Libous.
SENATOR LIBOUS: Aye.
THE SECRETARY: Senator Maltese.
SENATOR MALTESE: Aye.
THE SECRETARY: Senator Marchi voting in the affirmative earlier today.
Senator Marino. Aye.
Senator Markowitz.
SENATOR MARKOWITZ: No.
THE SECRETARY: Senator Masiello.
SENATOR MASIELLO: No.

THE SECRETARY: Senator Mega.
SENATOR MEGA: Yes.
THE SECRETARY: Senator Mendez.
(There was no response.)
Senator Montgomery excused.
Senator Nolan.
SENATOR NOLAN: No.
THE SECRETARY: Senator Nozzolio.
SENATOR NOZZOLIO: Aye.
THE SECRETARY: Senator Ohrenstein. No.
Senator Onorato excused.
Senator Oppenheimer voting in the negative earlier today.
Senator Padavan.
SENATOR PADAVAN: Yes.
THE SECRETARY: Senator Pataki.
SENATOR PATAKI: Yes.
THE SECRETARY: Senator Paterson.
SENATOR PATERSON: No.
THE SECRETARY: Senator Present.

SENATOR PRESENT: Aye.
THE SECRETARY: Senator Saland.
SENATOR SALAND: Aye.
THE SECRETARY: Senator Santiago.
SENATOR SANTIAGO: No.
THE SECRETARY: Senator Sears.
(There was no response.)
Senator Seward.
SENATOR SEWARD: Aye.
THE SECRETARY: Senator Sheffer.
SENATOR SHEFFER: Aye.
THE SECRETARY: Senator Skelos.
SENATOR SKELOS: Yes.
THE SECRETARY: Senator Smith.
SENATOR SMITH: No.
THE SECRETARY: Senator Solomon.
SENATOR SOLOMON: Yes.
THE SECRETARY: Senator Spano.
SENATOR SPANO: Aye.
THE SECRETARY: Aye.
Senator Stachowski.
SENATOR STACHOWSKI: No.

THE SECRETARY: Senator Stafford.

SENATOR STAFFORD: Aye.

THE SECRETARY: Senator Stavisky.

(There was no response.)

Senator Trunzo.

SENATOR TRUNZO: Yes.

THE SECRETARY: Senator Tully.

SENATOR TULLY: No.

THE SECRETARY: Senator Velella.

(There was no response.)

Senator Volker excused.

Senator Waldon.

(Negative indication.)

THE SECRETARY: No.

Senator Wright.

SENATOR WRIGHT: Aye.

ACTING PRESIDENT FARLEY: Absentees.

THE SECRETARY: Senator Gold.

(There was no response.)

Senator Gonzalez.

(There was no response.)

Senator Halperin.

(There was no response.)

Senator Hannon.

SENATOR HANNON: Mr. President, to explain my vote.

ACTING PRESIDENT FARLEY: Senator Hannon to explain his vote.

SENATOR HANNON: I think it's necessary to measure the aims of the legislation and those people who have spoken against it, I think, have unsuccessfully tried to muddy the waters as to what the aims are. This bill doesn't try to address problems of pregnancy, teen-age or otherwise, doesn't try to address uncollected support payments, and what it does try to do is whether or not some people who have sufficient assets are taking advantage of the system and measuring it in terms of those goals. It doesn't address it perfectly, but it certainly addresses it perfectly enough, sufficiently enough, to support it.

For those reasons, I would vote

yes.

ACTING PRESIDENT FARLEY: Senator Hannon in the affirmative.

Continue the roll.

THE SECRETARY: Senator Levy.

SENATOR LEVY: Aye.

THE SECRETARY: Senator Mendez.

(There was no response.)

Senator Sears.

SENATOR SEARS: Yes.

THE SECRETARY: Senator Stavisky.

(There was no response.)

Senator Velella.

(There was no response.)

ACTING PRESIDENT FARLEY: Results.

THE SECRETARY: Ayes 33, nays 17.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 673, by Senator Saland, Senate Bill Number 4417,

an act to amend the Criminal Procedure Law and the Family Court Act.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT FARLEY: Explanation. Senator Saland.

SENATOR SALAND: All right, Mr. President. This bill would permit the crimes victims board access to sealed records for the purpose of enabling the board to properly investigate claims for crime victims compensation.

The board has determinations which it has to make which from time to time and sometimes frequently the information which they need to determine the eligibility of an applicant, a crime victim making a claim for services or payments, that information can only be obtained through records that may sometimes be sealed, and this would add the crime victims board to a list of other persons or groups that have access to such records in particular situations.

ACTING PRESIDENT FARLEY: Read

the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

SENATOR GALIBER: May I have -

ACTING PRESIDENT FARLEY: Senator Galiber to explain his vote.

SENATOR GALIBER: Yes, Mr. President. Sorry I missed the debate. I probably wouldn't be able to add much more than this but we start opening up a number of files in areas where I don't think it's necessary and the possibility once we open up the files, with all the protection we put around that open process, there's always that possibility of something leaking out.

We seal files where youthful offenders are concerned. We seal files as far as juveniles are concerned. Slowly but surely we've been making exceptions, and they were put there for a purpose. As far as the victims no

one's more concerned about victims than myself and others here in the chamber, but the danger some time to solve one problem we open up gates which create a number of other problems.

So I think there's not another way to do it, but I think the information that the Senator is trying to accomplish with this bill by opening up for the purpose of the victim in terms of victims' compensation could be acquired another way.

In the very beginning we have the statement of the probation reports, we have statements from the victims from the outset. There are peers report on the pleadings, peer reports on the sentencing and there are a number of other ways where we can accomplish the same thing. I just think it's a bad practice to start opening up in areas where we've heretofore sealed for a good purpose.

I vote no.

ACTING PRESIDENT FARLEY: Results.

THE SECRETARY: Ayes 51, nays

one, Senator Galiber recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 682, by Senator Stafford, Senate Bill Number 2399, an act to amend the Highway Law.

SENATOR STACHOWSKI: Could we have one day on that, please?

ACTING PRESIDENT FARLEY: Senator Stafford, what's your pleasure?

SENATOR STAFFORD: A month!

ACTING PRESIDENT FARLEY: Lay it aside for the day.

THE SECRETARY: Calendar Number 706, by Senator Spano.

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

ACTING PRESIDENT FARLEY: Laid aside for the day.

Senator Present that's the first time around. What's your pleasure?

SENATOR PRESENT: Will you drop down to 432, please.

ACTING PRESIDENT FARLEY: 432.

THE SECRETARY: Calendar Number 432, by Senator Cook, Senate Bill Number 2549, an act to amend the Education Law, in relation to annual meetings and elections in certain city school districts.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT FARLEY: Explanation. Senator Cook.

SENATOR COOK: Mr. President, this bill gives to the residents of small city school districts the same opportunity to vote on school budgets as currently exists now in all the central school districts throughout the state.

The historic reasons why this is -- why different rules apply to different types of districts are somewhat obscure, but suffice it to say that when the voters changed the Constitution to remove the constitutional tax limit on small city school districts, the residents of those districts were given a promise on the part of, I think the Legislature

and the Governor as well, that the law would be changed so that they would have the opportunity to vote on the budget, and this is simply an effort to make good on that obligation, and I think we owe to them.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

Excuse me, Senator Nolan is in the negative.

THE SECRETARY: Ayes 51, nays one, Senator Nolan recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present.

SENATOR PRESENT: Calendar Number

608, please.

ACTING PRESIDENT FARLEY: 608, the Secretary will call up 608.

THE SECRETARY: Calendar Number 608 by Senator Trunzo, Senate Bill Number 4592, an act to amend the Civil Service Law, in relation to extending the effectiveness of provisions establishing dispute resolution.

ACTING PRESIDENT FARLEY: Read the last section.

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

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for. Senator Trunzo.

SENATOR TRUNZO: Mr. President, this bill is a two-year extender for the binding arbitration for police and firemen.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT FARLEY: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

I have an amendment at the desk that I would call up now and waive its reading and explain it.

ACTING PRESIDENT FARLEY: The amendment is here at the desk. You have the floor. Go ahead.

SENATOR CONNOR: Thank you, Mr. President.

Mr. President, once again, we revisit arbitration for police and firefighters, a good idea, a necessary idea, necessary because certainly those are essential services that we cannot afford to have disrupted by labor disputes and really all the parties concerned have agreed that this is the way to deal with it, binding arbitration, deal with it in an objective way, make sure that we guarantee to our citizens no disruption in police or fire services.

The thing about this, Mr. President, is that year after year after year,

two years after two years after two years, we see it extended, two years at a time. Now, if it's a good idea, and I think we all agree it's a good idea, it ought to be a permanent part of the law. In fact, Mr. President, I suggest that it's unfair and unseemly to have the concerned parties have to come back hat in hand to this Legislature every two years to get an extension of this law which really is not controversial; it's not experimental. It has worked. Every one agrees it's necessary and a good idea.

My amendment, Mr. President, would simply make binding arbitration for police and fire permanent. Were there a time the people's representatives decided it wasn't a good idea, they could always repeal it. But it just doesn't make any sense to take up the time of this Legislature every two years, to worry the representatives of the police and fire fighters that, Gee, arbitration might expire, we're in the midst of something with management in our respective area, and to have to come and say, Gee, we are going to get an extension.

I think we do this in far too many areas, Mr. President, and I think leaving aside what the reality is or isn't, I think the reality is, it's just a bad habit we have. I think the perception is very, very bad that these groups are constantly beholding to the Legislature because if we simply sit on our hands, something like this binding arbitration would expire.

So I would urge all of my colleagues to just, once and for all, let's make it part of the permanent law. It's a good idea. It's a necessary idea. Let's stop the charade every two years having to bring out a bill for a two-year extension, having to have me stand up and say, let's make it permanent and offer an amendment.

Frankly, Mr. President, it gets boring to see these kind of two-year extenders time after time, and I really think it's irre sponsible of this Legislature not to put this in the permanent law with all the management units concerned and all the representatives of police

and firefighters knowing that that's the law. Let's deal with it that way. So I urge adoption of the amendment, Mr. President.

ACTING PRESIDENT FARLEY: On the amendment, all in favor say aye.

(Response of "Aye.")

Those opposed, nay.

(Response of "Nay.")

The nays have it. The amendment is not accepted.

Read the last section of the bill.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, there are no housekeeping items at the desk?

ACTING PRESIDENT FARLEY: We've got some housekeeping items.

SENATOR PRESENT: Let's do it.

ACTING PRESIDENT FARLEY: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Sears, on page 50, I offer the following amendments to Calendar Number 187, Senate Print 2003, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Amendments received; bill will retain its place.

SENATOR LIBOUS: Mr. President, on behalf of Senator Levy, I'd like to star Calendar 727.

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

SENATOR LIBOUS: In behalf of myself, I'd like to star Calendar 581.

ACTING PRESIDENT FARLEY: 581 is

starred at the request of the sponsor.

SENATOR LIBOUS: Thank you, Mr. President.

ACTING PRESIDENT FARLEY: You're welcome.

Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move we adjourn until tomorrow at 3:00 p.m.

ACTING PRESIDENT FARLEY: The Senate stands adjourned until tomorrow at 3:00 p.m.

(Whereupon at 4:23 p.m., the Senate adjourned.)