ALBANY, NEW YORK

July 6, 1993

3:50 p.m.

REGULAR SESSION

LT. GOVERNOR STAN LUNDINE, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. The Senators will please find their places.

I would like to ask everyone present to rise and repeat the Pledge of Allegiance with me.

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

THE PRESIDENT: The prayer this afternoon will be given by Father Peter G. Young of the Blessed Sacrament Church, Bolton Landing. Father Young.

THE REVEREND PETER G. YOUNG: Dear God, as we gather in this chamber and as we are aware of the great patriotic belief and foundation that we all have, may we pray that the countries that are suffering under dictatorship, under the lack of freedom, under the lack of rights for those who are human beings, may we in our legislative process attempt to do what we can to show that the example of this government can work as a way of

leadership, as a way of freedom, and as a way of democracy.

We ask You this now and forever.

Amen.

THE PRESIDENT: Secretary will read the Journal.

THE SECRETARY: In Senate, Monday, July 5, the Senate met pursuant to adjournment, Senator Farley in the chair upon designation of the Temporary President. The Journal of Sunday, July 4, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Hearing no objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Secretary will read.

THE SECRETARY: Senator Marino, from the Committee on Rules, reports the following bills directly for third reading:

Senate Bill Number 50A, by

Senator Holland, an act to amend the Judiciary Law.

1540A, by Senator LaValle, an act to amend the Education Law.

1847, by Senator Kuhl, an act to amend the General City Law.

4227, by Senator Volker, Erie County Tax Act.

4300, by Senator Volker, Erie County Tax Act.

4622A, by Senator Johnson, Environmental Conservation Law.

4735, by Senator Velella, Insurance Law.

4862A, by Senator Spano, Public Health Law.

4970B, by Senator Stafford, allowing David A. Raylinski, a state employee, retroactive membership in Tier I.

5020, by Senator Sheffer, Labor Law and the Workers' Compensation Law.

5254B, by Senator Daly, Public Authorities Law.

5400A, by Senator Hannon, Public Authorities Law.

5561, by Senator Mega, Surrogate's Court Procedure Act.

5845A, by Senator Volker, Vehicle and Traffic Law.

6028B, by Senator Skelos, Insurance Law.

6034, by Senator DeFrancisco, Highway Law.

6121, by Senator Sheffer, prohibit the Commissioner of Environmental Conservation issuing Monroe County a permit.

6125, by the Committee on Rules, authorizing an apportionment of state aid for certain salary expenses.

6137, by the Committee on Rules, Environmental Conservation Law.

6139, by the Committee on Rules, amends Chapter 63 of the Laws of 1993.

6148, by Senator Tully, payment allowances to private blind and deaf schools.

6151, by the Committee on Rules,

an act Petroleum Over Charge Restitution Act of 1993.

6153, by Senator Farley, Retirement and Social Security Law.

6159, by the Committee on Rules, Education Law.

6161A, by Senator Sears, Agriculture and Markets Law.

6163, by Senator LaValle, Environmental Conservation Law.

6164, by the Committee on Rules, reorganization of the Otego-Unadilla Central School.

6165, by Senator Levy, Vehicle and Traffic Law.

And 6187, by Senator Mendez, Executive Law.

All bills reported directly for third reading.

THE PRESIDENT: Third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Present.

SENATOR PRESENT: Mr. President, I wish to call up Senator Marino's bill, 6147, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By the Senate Committee on Rules, Senate Bill Number 6147, an act to amend a chapter of the laws of 1993, as proposed in legislative Bill Number S. 6085.

SENATOR PRESENT: Mr. President, I now move to reconsider the vote by which this bill was passed and ask that the bill be restored to the order of third reading.

THE PRESIDENT: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 35.

THE PRESIDENT: The bill is before the house.

SENATOR PRESENT: Mr. President, the bill now having been restored to its place on Third Reading Calendar, I move to discharge from the Committee on Rules Assembly Print 8803 and substitute it for Senator Marino's identical bill, and ask that it be passed with the same vote that it passed the first time.

THE PRESIDENT: Substitution ordered.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 34, nays one. Senator Leichter recorded in the negative.

THE PRESIDENT: The bill is passed.

Senator Padavan.

SENATOR PADAVAN: Mr. President, I move to amend Senate Bill Number 5906C, by striking out the amendments made on June 29, 1993, and restoring it to its previous Print

Number 5906A.

THE PRESIDENT: So ordered.

Secretary will read.

THE SECRETARY: On page 6 of today's calendar, Senator Libous moves to discharge the Committee on Rules from Assembly Bill Number 2420C and substitute it for the identical Calendar Number 317.

On page 12, Senator Nolan moves to discharge the Committee on Rules from Assembly Bill Number 4906A and substitute it for the identical Third Reading 722.

On page 12, Senator Sears moves to discharge the Committee on Rules from Assembly Bill Number 2991A and substitute it for the identical Third Reading 734.

On page 17, Senator Tully moves to discharge the Committee on Rules from Assembly Bill Number 1250A and substitute it for the identical Third Reading 902.

On page 18, Senator Larkin moves to discharge the Committee on Rules from Assembly Bill Number 8144A and substitute it for

the identical Third Reading 980.

On page 20, Senator Saland moves to discharge the Committee on Rules from Assembly Bill Number 8294A and substitute it for the identical Third Reading 1133.

On page 30, Senator Marino moves to discharge the Committee on Rules from Assembly Bill Number 8751 and substitute it for the identical Third Reading 1553.

On page 30, Senator LaValle moves to discharge the Committee on rules from Assembly Bill Number 8797 and substitute it for the identical Third Reading 1564.

On page 32, Senator Marino moves to discharge the Committee on Rules from Assembly Bill Number 8780 and substitute it for the identical Third Reading 1583.

THE PRESIDENT: Substitution ordered.

Senator Present.

SENATOR PRESENT: Mr. President, I move that we adopt the Resolution Calendar with the exception of Resolution Number 1982.

THE PRESIDENT: On the resolutions. All those in favor, say aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The ayes have it. The resolutions are adopted.

SENATOR PRESENT: Mr. President, would you recognize Senator Larkin, please.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Mr. President, I have a privileged resolution at the desk, and I ask that it be read.

THE PRESIDENT: Secretary will read.

THE SECRETARY: Legislative Resolution, by Senator Larkin, commemorating the 40th Anniversary of the signing of the Armistice ending the Korean War.

WHEREAS, thousands of military personnel from the great state of New York have served faithfully and courageously, with dedication and sacrifice, in service to their

country, and are due the praise and just recognition of this legislative body for their role in defense of our nation's liberty and freedom.

On July 27, 1953, three years and 32 days after the North Korean forces penetrated the 38th parallel to launch the Korean War, hostilities ended, at approximately the point they had begun, with the signing of an Armistice.

In response to a June 27, 1950 United Nations Resolution calling for assistance for the Republican of Korea (South Korea), President Harry Truman ordered American air and naval forces activated and, on June 30, 1950, committed ground forces to the Korean battle zone.

A conflict of virulent devastation, the Korean War represented a battle of ideologies -- communism versus democracy; it involved or impacted upon all of the world's major powers, caused devastation of Korea, and resulted in the loss of over one million lives,

including nearly 55,000 Americans, before the Armistice was signed at Panmunjom dividing Korea into two separate nations at a line marked by the 38th parallel.

Before the hostilities had ended in 1953, 5.7 million Americans had served in the conflict, of which 482,000 were from New York State, including the 2200 who gave their lives for their country.

Often called the "forgotten veterans" due to the Korean War's inconclusive ending, and its chronological place in history between World War II and the ten-year Vietnam War, Korean War veterans, and the families of those who died or are missing, have faithfully endeavored to help the citizens of this great state and nation in their understanding of, and appreciation for, the courage, commitment and sacrifices made by America's servicemen and women in that first great struggle against communism.

To commemorate the 40th Anniversary of the signing of the truce ending

the Korean War, veterans and their families will take part in a number of events and memorial activities scheduled for July 27, 1993; among these are the unveiling of the commissioned 40th Anniversary portrait of George Skipek with numbered copies presented to the ambassadors of the 22 nations which participated under the United Nations command; a memorial ceremony will be held at the Arlington National Cemetery Amphitheatre, including a wreath-laying at the tomb of the unknowns and a traditional laying of the chrysanthemums on the Korean War Veterans meditations bench; a special "No Greater Love" program and luncheon for sons, daughters and other relatives or friends who lost, or have missing, a loved one from the war; and various other anniversary activities organized by a non-affiliated group of Korean War veterans known as the "Gathering."

It is the sense and presence of this legislative body, acting on behalf of the citizens of this great Empire State to act now, with great respect and reverent esteem, in

honoring the members of the armed services who have served their state and nation so valiantly and honorably in the defense of freedom and democracy; now, therefore, be it

RESOLVED, that this legislative body pause in its deliberations to commemorate the 40th Anniversary of the conclusion of the Korean conflict, July 27, 1953; renewing its tribute to the men and women of New York State who served so faithfully and courageously on behalf of their state and nation in defense of democracy and freedom, and be it further

RESOLVED, that copies of this resolution, suitably engrossed, be transmitted to the veterans service organizations of New York State.

THE PRESIDENT: The question is on the adoption of the resolution. All those in favor say aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The ayes have it. The resolution

is adopted.

Senator Larkin.

SENATOR LARKIN: Mr. President, I would like to leave it at the desk open for any other members who would like to join with me.

SENATOR PADAVAN: Mr. President, put everybody on it.

THE PRESIDENT: Every member will be on the resolution.

SENATOR PADAVAN: Regular order, Mr. President.

THE PRESIDENT: We're at the calendar.

SENATOR PADAVAN: Non-controversial calendar, please.

THE SECRETARY: On page 5, Calendar Number 200, by Senator Saland, Senate Bill Number 766B, an act to amend the Executive Law, and the Education Law.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 305, by Senator Mega, Senate Bill Number 1937, with an Assembly Reprint Number of 30,002, Court of Claims Act, in relation to settlement of claims.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 35. Nays one, Senator Kuhl recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 317, substituted earlier today, by member of the Assembly Connelly, Assembly Bill Number 2420C, an act to amend the Public Health Law, creating an office for traumatic brain injury.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 395, by member of the Assembly Parment, Assembly Bill Number 3819B, an act to amend the Agriculture and Markets Law.

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 470, by member of the Assembly Lasher.

SENATOR PADAVAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 495, by Senator Velella, Senate Bill Number 3583A, an act to amend the Insurance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 528, by member of the Assembly Seminario, Assembly Bill Number 3952B, an act to amend the Labor Law, in relation to drug testing.

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 897, by member of the' Assembly Bragman.

SENATOR PADAVAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: On page 18, Calendar Number 980, substituted earliere today, by the Assembly Committee on Rules, Assembly Bill Number 8144A, authorizing the city of

Newburgh to issue serial bonds.

THE PRESIDENT: There is a home rule message at the desk.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1251, by Senator Lack, Senate Bill Number 5263, an act to amend the Labor Law.

THE PRESIDENT: Read the last section.

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

SENATOR PADAVAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1255.

THE PRESIDENT: That bill will be laid aside. It's high.

THE SECRETARY: Calendar Number 1324, by Senator Mendez, Senate Bill Number 2579A, to permit Robin L. Lieberman death benefit coverage.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36, nays 2. Senators Gold and Leichter recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1338, by Senator Hannon, Senate Bill Number 5206, Real Property Actions and Proceedings Law.

SENATOR PADAVAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1371, by member of the Assembly Lasher, Assembly Bill Number 5823, Real Property Law.

SENATOR PADAVAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1385, by Senator Tully, Senate Bill Number 5297B, an act to amend the Insurance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39, nays one, Senator Daly recorded in the negative. I'm sorry.

THE PRESIDENT: Also Senator Farley. The bill is passed.

THE SECRETARY: Senator Libous recorded in the negative.

In relation to Calendar Number

1385, those recorded in the negative are Senators Daly, Farley, Pataki, Saland, Seward, Skelos, and also Senator Wright. Ayes 33, nays 7. Also Senator Kuhl recorded in the negative, also Senator Libous recorded in the negative.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1386, by Senator Velella, Senate Bill Number 5303A, an act to amend the Insurance Law and the Tax Law.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1391, by Senator Lack, Senate Bill Number 5886A, Workers' Compensation Law.

SENATOR DALY: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1444, by Senator Mega, Senate Bill Number 5985A, Uniform City Court Act.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1444 are Senators Cook, Daly, Jones, Kuhl, LaValle, Libous, Pataki, Saland, Seward, Skelos, and Stachowski, also Senator Hoffmann, also Senator Padavan, also Senator Larkin.

SENATOR PADAVAN: Lay the bill aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1452, by the Senate Committee on Rules.

SENATOR PADAVAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1454, by the Committee on Rules.

SENATOR STACHOWSKI: Lay it

aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1514, by the Assembly Committee on Rules, Assembly Bill Number 8403A, Criminal Procedure Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1529.

THE PRESIDENT: The bill is high. It will be laid aside.

THE SECRETARY: Calendar Number 1548, by the Assembly Committee on Rules.

SENATOR PADAVAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1552, by the Senate Committee on Rules, Senate Bill Number 6084, Private Housing Finance Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1553, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8751, an act to amend the Tax Law.

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1580, by the Assembly Committee on Rules,

Assembly Bill Number 8652.

SENATOR STACHOWSKI: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1581, by the Senate Committee on Rules, Senate Bill Number 61 -

SENATOR STACHOWSKI: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1582, by the Senate committee -

SENATOR VOLKER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1583, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8780a, General Municipal Law and the Public Authorities Law.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1585, by Senator LaValle, Senate Bill Number 6130, authorizing an apportionment of state aid for certain capital expenditures.

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

That completes action on the non-controversial.

SENATOR PADAVAN: Mr. President, may we proceed with the controversial calendar.

THE PRESIDENT: Secretary will read.

THE SECRETARY: And there will be order in the chamber. Secretary will read.

THE SECRETARY: On page 5, Calendar Number 200, by Senator Saland, Senate Bill Number 766B, an act to amend the Executive Law and the Education Law.

SENATOR OPPENHEIMER: Explanation.

THE PRESIDENT: Explanation is requested.

Senator Saland does not appear to be present.

SENATOR PADAVAN: Lay it aside for the moment.

THE PRESIDENT: The bill is laid aside.

SENATOR PADAVAN: Bring up Calendar 1585, please.

THE PRESIDENT: 1585. All right. On page 32 of today's calendar.

THE SECRETARY: Calendar Number 1585, by Senator LaValle, Senate Bill Number 6130, authorizing an apportionment of state aid for certain capital expenditures.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: On page 6, Calendar Number 395, by member of the Assembly Parment, Assembly Bill 3819B, Agriculture and Markets Law.

SENATOR KUHL: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: On page 7, Calendar Number 470, by member of the Assembly Lasher, Assembly Bill Number 1829B.

SENATOR PADAVAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

SENATOR PADAVAN: Now, Mr.

President, may we return to Calendar Number 200.

THE SECRETARY: Calendar Number 200, by Senator Saland, Senate Bill Number 766B, Executive Law and the Education Law.

THE PRESIDENT: Senator Saland, we're on Calendar Number 200 and an explanation was requested earlier.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, this bill is the so-called Campus Security Act, and what it does, Mr. President, is it builds upon the federal legislation that was passed a couple of years ago and which currently requires certain campus reporting. What we have done in this bill is to require the reporting of certain enumerated crimes, crimes which are consistent with the current forms that have been compiled by DCJS. We have worked with DCJS in enumerating these crimes, as we have with SUNY, with CICU, and with CUNY, as well.

We have worked very closely with all of those organizations, and all of them have

withdrawn any objections that they may have had to this bill, and I believe, in fact, at the very least SUNY may have put out a supportive memorandum.

The bill not only provides for certain enumerated crimes that would have to be reported, the idea being that when a student goes off to college, or somebody who works at a given college or university, would want to inquire into whether that campus for some reason or other had a significant incidence of certain crimes, there should be no reason why that that person shouldn't be able to get that information.

It's much like a consumer notification type of a statute. The other portion of the bill deals with certain security disclosure. We require, among other things, the number of campus security personnel, as against the number of students. We require certain disclosure as to the types of security that a given college or university provides.

The bottom line on this bill, Mr.

President, is that it's a device that's intended to make universities and colleges certainly far more focused on the type of security that they are providing, make them well aware of the fact that there is a public out there that has a right to know. It makes them provide not merely data but pertinent security information.

It doesn't merely build upon but improves the federal legislation that's been on the books now for about a year or so. It's a bill which, with the exception of the chairman of the Higher Education Committee in the Assembly, has been well received by all quarters.

SENATOR OPPENHEIMER: Thank you for the explanation, Senator Saland.

I don't have any questions of this, except that I very much support it and would love to see the bill move in the other house as well as in this house.

You may recall, last year I offered some amendments. Because while I think security is very important to me and I think

these improvements should be well received by the education community, I would rather, as you know, have put the emphasis on prevention and education, and it would be my hope that in the future years we could look at legislation that would provide for education in orientation week at the colleges and universities so these 17 and 18-year-olds first coming away from the home would know that there are certain crimes that are crimes whether they are in the ivory tower in college or whether it's out on the street, that rape is a felony no matter where it is committed, and a certain sensitivity that we could heighten among the youngsters if we offered the orientation. That would be part one.

The second part that I would like to see in the future would be more supportive services.

Can you hear me?

SENATOR SALAND: Excuse me, Mr. President. Could I have some order? I'm having a little difficult time hearing Senator Oppenheimer.

SENATOR OPPENHEIMER: Sorry, Senator Saland.

(Whereupon, the President gaveled for order.)

SENATOR SALAND: I have no problem. There is just a little bit of a din around here. Thank you.

SENATOR OPPENHEIMER: We have mentioned this, and I think we are in agreement, that the education in orientation and then continuing through the college career to heighten sensitivity and awareness and to make them understand that a felony crime is a felony crime no matter where it is committed, whether on campus or off.

And the other piece that I would like to see moved in the future is more support services on the campus in crisis intervention service so that people in need, a rape victim, for example, would be able to go to a supportive environment where they could get the kind of physical, emotional, legal, help which is so essential to keeping these young women in school

after this kind of an incident. We know how prevalent this incident is, and we really would like to do more to intervene and stop the crime before it happens.

But I welcome your bill, and we should continue to do all we can in the Assembly to move it.

Thank you. I vote in favor.

SENATOR SALAND: Just in closing, I would just like to acknowledge Senator LaValle's interest and efforts. He's worked very closely with my office in putting this bill together, having a keen interest as the chairman of Higher Ed in trying to resolve this issue, and I would like to hope that we can resolve it in the remaining hours of this session, but that remains to be seen.

Thank you.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 1st day of September next succeeding the date on which it

shall have become a law.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47, nays one, Senator Cook recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: On page 8, 528, by member of the Assembly Seminario, Assembly Bill Number 3952B, Labor Law, in relation to drug testing of police officers.

SENATOR LEICHTER: Explanation.

SENATOR PADAVAN: Lay it aside temporarily, Mr. President.

THE PRESIDENT: The bill is laid aside.

SENATOR MEGA: Mr. President.

THE PRESIDENT: Senator Mega.

SENATOR MEGA: Can we go to page 30. An objection has been removed on my bill, and maybe we can pass it, Calendar 1553.

THE PRESIDENT: Secretary will read.

THE SECRETARY: Calendar Number 1553, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 6751, an act to amend the Tax Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

SENATOR PADAVAN: Lay it aside.

THE PRESIDENT: Wait. An explanation -

Did someone ask for an explanation on this bill?

SENATOR PADAVAN: We will have to go to regular order. Go back to regular order.

SENATOR MEGA: I apologize. I thought that an objection had been removed.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: On page 17,

Calendar Number 897, by member of the Assembly Bragman, Assembly Bill Number 7171A, an act to amend the Vehicle and Traffic Law.

SENATOR ONORATO: Explanation.

SENATOR STACHOWSKI: Explanation.

THE PRESIDENT: Explanation is requested. Senator Libous is recognized, and there will be order in the chamber.

(Whereupon, the President gaveled for order.)

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. This bill passed this chamber 57 to nothing earlier this year, and basically what it does is it requires a mandatory six months suspension or up to one year of revocation of driver's license for any individual convicted in connection with certain drug-related offenses.

It's the Governor's program bill. The urgency of the bill is the fact that the Assembly wanted to amend it so that they could pass it over there, so we amended it to the Assembly's liking so it could get through, and

there's $16 million of federal highway money that's attached to this if we pass it.

The bill is not as strong as I would like it to be, but the money is important to us, and the Assembly needed to make some changes so it could pass on a close vote just earlier this week.

SENATOR GALIBER: Mr. President.

THE PRESIDENT: Does Senator Galiber wish recognition?

SENATOR GALIBER: Yes.

THE PRESIDENT: Senator Galiber.

SENATOR GALIBER: Senator, will you yield for a question?

SENATOR LIBOUS: Yes.

SENATOR GALIBER: Senator, I was out of the chamber when this bill passed originally. I think I was here probably the year before when I voted against the bill.

So, for the record, I'm happy to see the bill back before this body.

Senator, you and I are deeply concerned about this drug problem. I think

probably anyone within the sound of my voice will agree that we have a serious problem in our state and in our nation, very frankly, that drugs have been directly or indirectly the causal factors for a number of horrible things that have happened.

We all have different approaches to how we suggest that this problem be solved. On occasion, we get frustrated and we think it's one of those unresolvable matters.

You know and some of my colleagues, or most of them, know my position in terms of dealing with it, and my concern about your piece of legislation is that it manifests the frustration that we have in terms of our inability to solve this very deep and serious problem that is spreading like a plague especially in America.

You know and I know that America is the prime user of illegal drugs, and we have to do something about it. We have a new czar. I hope he acts a little different than the old czar, but czars are czars. I heard him the

other day, and the only thing that I can say that makes a big difference -- I hope it will make a big difference -- is that he is now putting a great deal of emphasis on the area that you are deeply concerned with, and I am also, and that's treatment on demand, education and prevention, and certainly education not in the senior year where you have a two-hour course on drug prevention but early on in Head Start programs.

So I'm happy to hear that its emphasis is there, not to suggest that it hasn't taken the political approach and still wants to do a lot about those impossible dreams that we fight windmills for in the war on drugs, this everylasting holy war that we have, which certainly we're not winning.

What troubles me about this bill, among other things, is that there is a bad notion floating around that if we do not pass this piece of legislation that we put in jeopardy the monies that are flowing from Washington, and I don't believe that's so.

And that's one of the questions I would like to ask you. Senator, if we do not pass this piece of legislation, but yet we make a declaration, the Governor and this legislative body -- or put it another way. Withdrawn. Put it another way. There is another alternative to our not losing highway monies by not passing this bill, or if we do not pass this bill, there is a way we can still get the highway monies. Is that correct?

SENATOR LIBOUS: Senator, there are other groups who this past summer had press conferences that made statements to the effect that this bill did not have to pass, that the federal funds were not connected. Senator, to the best of my ability though the information provided our counsels and our staff from the federal government and from the Governor's office is that this legislation needs to be passed or the attachment of the $16 million in federal highway dollars will be lost.

SENATOR GALIBER: Senator, if I could bring proof, not from this side of the

aisle or from Joe Galiber but from some reliable sources that certainly you may or may not accept, but reliable sources, that would indicate that this bill is not necessary, that this bill does not necessarily put into jeopardy the highway monies. It is my understanding - it is my understanding that other states have rejected this notion of taking licenses away from people and have not put their state in jeopardy for federal monies. Is that so? Because if that's so then your last statement is not so.

SENATOR LIBOUS: Senator, I can't speak for other states. I really can't.

SENATOR GALIBER: I understand that.

SENATOR LIBOUS: And I don't know what the other states did. Alls I know is that -- that we have been approached by a couple of groups, one being the ACLU, who has campaigned very heavily against this, saying that the legislation is not needed, the best of my information that I can give you is based on my information and working with the Governor's

people that they feel strongly, as we do, that we need to move forward on this.

That's as accurate information as I can give you, Senator Galiber. I certainly have respect for your opinion and I'm sure that your sources mean well, but I can only account for the people that we have dealt with here both on the second floor and within our own offices.

SENATOR GALIBER: Senator yield for another question?

SENATOR LIBOUS: He certainly will.

SENATOR GALIBER: It sounds a bit arrogant, but I know you don't mean it.

SENATOR LIBOUS: Senator, absolutely not. I have no intentions of being arrogant.

SENATOR GALIBER: I know that. I haven't finished the statement yet.

SENATOR LIBOUS: Would never want to give you that impression.

SENATOR GALIBER: That's why I said it sounded that way.

SENATOR LIBOUS: Yes.

SENATOR GALIBER: I wanted to clear it up for those within the sound of my voice who don't know you as I know you, lest they misunderstand you.

SENATOR LIBOUS: I would hope they would not -

SENATOR GALIBER: The fact that you mentioned that there was -- you are not interested in what other states are doing about this, that may be so. I'm not sure it's a response to the question that I asked.

SENATOR LIBOUS: Mr. President, if I could maybe clarify that? I don't believe I said that I didn't care what other states are doing. I said that I only know what we're doing in New York State and the information that was provided me through both the counsels on the second floor and my own people.

SENATOR GALIBER: Okay. Then, Senator, those reliable sources, if we could bring you proof from the second floor that there is in fact an alternative -- I know this is just

one phase of the bill. There is an alternative to passing this piece of legislation without putting that one part, highway funds, in jeopardy, would you withdraw that section of the bill? Would you hold it until we can find that out?

SENATOR LIBOUS: That's a fair question. And, Mr. President, my answer to Senator Galiber is no, I would not because I feel very strongly about this legislation. I would not do that.

SENATOR GALIBER: Okay. Is it fair then, Senator, to say that notwithstanding the fact that this may not put federal funds - and perhaps we can move on to the next phase. Notwithstanding the fact that this piece of legislation may very well not put federal funds into jeopardy if it were not passed, there are other stronger reasons that you have for this bill being passed?

SENATOR LIBOUS: That's correct, Mr. President.

SENATOR GALIBER: Okay. Let's

then move on from that because this part I am arguing is obviously irrelevant.

SENATOR LIBOUS: Sure.

SENATOR GALIBER: I just wanted to say, Mr. President, for the record, that there is an alternative to passing this piece of legislation for those who are purist, if you will, who believe strongly that if this piece of legislation does not pass we will then be putting our state in jeopardy of a large sum of money, and that's not so.

Other states have opted out of this, and they have opted out of it, my colleagues, because they see absolutely no connection, none whatsoever, between this piece of legislation and our drug problem.

This penalizing people for being apprehended in a car, or nearby, or if you are caught with someone who is smoking a joint or whatever it is, you will then put your lines in jeopardy for the future even if you do not have a license. There is absolutely no connection whatsoever.

Persons who unfortunately are the users of drugs, it's been mentioned here and other places just recently, we have a public health problem, and we have to resolve this public health problem, but we have laws in certain states to suggest that if you are apprehended and convicted of drugs, we're going to take the doctor's lines away from them, the lawyer's lines away from them, and the Indian chief's license away, if we has a license in some states. All this with no relationship whatsoever, no relationship whatsoever, to the problem of drug use in this great country of ours.

The laws that are being passed is because of a frustration that is taking place, pure unadulterated frustration, and those persons who may have absolutely nothing to do with the use of drugs, whether they do or not, in my judgment they should not be penalized in this way.

Because what you are really doing, Senator, is taking the work -

possibility of someone's work away from them, and I think they probably added a little section, I think, and I'm not sure whether they attributed it to or -- not attributed to, but used it in the same way as if you are apprehended for the use of driving while intoxicated; that if you can show -- and this really is the most interesting part or one of the interesting parts of the bill, that if you can show that you need your license for work, then you can go -- I think, Senator, it's new and I haven't read it -- take a driver's course or go to the Motor Vehicle and say, I need this. It is a must with me, and would you please give me a break. It has nothing to do with curing my drug use, if there is harm from the drugs, and you and I both know that that's probably not so.

The fact of the matter -- I speak on this bill, and I've obviously been around long enough to know that it is a very frustrating thing not only for some of us who believe that until we take this profit out of drug trafficking, drug trafficking profit, if we

don't take the profit out, we're not going to solve this problem.

We can take away basic human rights. We can take away licenses. We can take away privileges from people, but the fact of the matter is, Senator, there is absolutely no relationship with what you are attempting to do and the problem that we have with drug addiction in this great nation of ours. We have to look at it from a different point.

Because slowly, bit by bit, we find ourselves stepping into areas where we should not be, and you can start to read off the litany of punishing things -- not solving, us just punishing for the sake of punishing. Take that person's license away if they are caught and apprehended. In one part of the nation, one state suggested that we take them out -- what is it, the nine tails, the cats they use to whip people with? Somewhere, we're going to punish them that way. How far will we go?

So, colleagues, those of you who vote for this piece of legislation not out of

just having raw votes to do it, if any of you are under the apprehension that this state of ours is going to lose money if we don't pass this piece of legislation, it's not so. Because if we pass this piece of legislation, I've always said this is close to what I talk about in terms of "big brother". I mention it quite often. We're at a point now out of this frustration for the drugs that we're going to invade the privacy of people's homes. We're going to take away certain things from them, merely because we can't solve this problem.

So, Mr. President, I thank this body for an opportunity to say that we're going in the wrong direction; that until we come around to the point where we realize that this is not the answer, that this is not going to deter -- every law that we pass, Senator, and you know this like every lawyer does or someone who is related to a lawyer knows that when we put something in the Penal Law, we put it in under the theory anyway -- it's supposed to be actuality, but in theory, that it serves as a

deterrent; that if people commit a crime, it will stop them because they will be deterred from doing it again.

And we have found out the hard way over a period of ten years -- running off on a tangent, yes. It's connected. Over a period of ten years now what we've done is, under the guise of getting tough on crime, we have increased penalties. We have accelerated. We have done all these things under the guise of saying we will deter people from committing crimes.

Our crime rate, and you know it as well as I, has not dropped any significant amount of degree in the ten years of this policy of get tough on crime. It hasn't worked. It hasn't served as a deterrent.

And though this is a privilege that we can hide behind the notion, Senator, this isn't an absolute right. Licenses are privileges. I'm saying we've gone too far, and I see, year by year, we start to nible away at those basic civil rights, personal rights that

people have, where there is absolutely no connection, whatsoever, in terms of this very serious problem that we have in this nation.

Mr. President, after saying all that, and thank you for your patience, I would like to be recorded in the negative on this piece of legislation.

SENATOR ONORATO: Mr. President.

THE PRESIDENT: Senator Onorato.

SENATOR ONORATO: Will the sponsor yield for a question, please?

SENATOR LIBOUS: Yes, Mr. President, I will.

SENATOR ONORATO: Senator Libous, I'm just a little confused on it. We did pass this earlier. I was just wondering, is this true, that regardless of the fact if you were convicted of a drug violation, even though you weren't in the automobile driving it at that time, you will still get it?

SENATOR LIBOUS: That's correct.

SENATOR ONORATO: Does it apply to any other crime? If you are convicted of

indecent exposure or you are convicted of being drunk and lewd in public, an alcoholic, does that also forfeit your license to drive?

SENATOR LIBOUS: Mr. President, just drug-related crimes.

SENATOR ONORATO: Only drug-related?

SENATOR LIBOUS: Yes.

SENATOR ONORATO: Regardless of the fact that they happened while you were in an automobile or not?

SENATOR LIBOUS: That's correct.

SENATOR ONORATO: You don't have to be in an automobile?

SENATOR LIBOUS: That's correct.

SENATOR ONORATO: Thank you.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in

the negative on Calendar Number 897 are Senators Galiber, Gold, Leichter, Ohrenstein and Onorato. Ayes 47, nays 5.

THE PRESIDENT: The bill is passed.

THE SECRETARY: On page 22, Calendar Number 1251, by Senator Lack, Senate Bill Number 5263, an act to amend the Labor Law.

SENATOR PADAVAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: 1338. On page 24, Calendar Number 1338, by Senator Hannon.

SENATOR PADAVAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1371.

SENATOR PADAVAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

SENATOR PADAVAN: Just hold one second, Mr. President.

(Whereupon, there was a pause in the proceedings.)

SENATOR PADAVAN: Mr. President, would you call up Calendar Number 1581.

SENATOR GOLD: Without objection.

THE SECRETARY: Calendar Number 1581, by the Senate Committee on Rules, Senate Bill Number 6115, an act to amend the Public Health Law.

SENATOR GOLD: Explanation.

THE PRESIDENT: Explanation is requested. Senator Tully.

SENATOR TULLY: This bill amends the Public Health Law, among others, in relation to hospital reimbursement and health care reform. The primary feature of this bill is the continuation of New York's prospective hospital reimbursement methodology for two years beginning -

(Whereupon, the President gaveled for order.)

THE PRESIDENT: Senator Tully.

SENATOR TULLY: Thank you, Mr.

President. The primary feature of this bill is the continuation of New York's prospective hospital reimbursement methodology, otherwise known as NYPHRM, for two years beginning January 1, 1994.

Payments for in-patient services are regulated by the state through the NYPHRM system, and this legislation extends that system and provides rate adjustments in the amount of $181 million to all payors, Medicaid, commercial carriers, Workmen's Compensation, et cetera.

The legislation also provides for the establishment of progressive, critically needed health care reform to increase access to health care services and improve and safeguard the quality of health care.

In response to finance and reimbursement systems, there are reforms to universally establish ambulatory reimbursement demonstration programs, develop uniform bills, establish a health services electronic claims clearing house.

And after the bill has been

enacted and signed into law by the Governor and it has been in effect for at least one year, we anticipate savings of over $200 million, which will be far in excess of the amount that is being provided to the hospitals in this particular piece of legislation.

It also provides grants for hospital management information system improvements and establishes regulatory reform demonstration programs.

In response to access and delivery of care, there are initiatives to provide grants for primary care development, a comprehensive primary care education and training initiative to encourage the training of primary care physicians and practitioners, provide additional funding for the Child Health Plus program, and establish reasonable targets for the enrollment of Medicaid recipients into HMOs.

Finally to provide New York with an ability to respond to demands from the federal government, this legislation provides

for a stronger planning system through the reorganization of the current health system agencies with adequate financial support, the creation of grants for collaboration among health care providers in regional health networks, and the expansion of the current rural health network program with grants, rate enhancements and the authority for incorporation.

The enactment of this legislation is vital today for the well-being of our hospitals and our health care systems. This bill builds off the initiatives established in NYPHRM IV by going beyond technical improvements to the hospital reimbursement methodology to institute important structural reforms that will enhance the planning and provision of services while encouraging efficiencies not only by hospitals but by other health care providers, as well.

SENATOR SOLOMON: Mr. President.

THE PRESIDENT: Senator Solomon.

SENATOR SOLOMON: Thank you.

Senator Tully, there are two items which I believe are connected on this 130-page bill, or whatever it is. On page 125, Section 61, I have a couple of memos here from some property and casualty insurers which is kind of upsetting, in that we seem to be putting another tax on them in this bill. Page 61, Section 911A, temporary franchise tax on certain insurance companies.

SENATOR TULLY: I take it, Mr. President, that I'm being asked to yield to a question of some sort?

SENATOR SOLOMON: Yes.

SENATOR TULLY: May I have the question?

SENATOR SOLOMON: I just wanted you to get to the page. Senator, isn't this a new tax we're imposing here?

SENATOR TULLY: No.

SENATOR SOLOMON: No. These insurance companies currently pay this tax?

SENATOR TULLY: No, they do not.

SENATOR SOLOMON: Well, if they don't pay the tax and it's not a new tax, is it

a "Harvey" as coined by Senator Dollinger?

SENATOR TULLY: This proposal, Senator, as I'm sure you are aware, would only kick in in the event that the $39 million that is necessary from MMIA was not available. In that particular instance, it would come into play.

SENATOR SOLOMON: Okay. So, Senator, this letter I have dated January 14, 1993, from Tillinghast regarding MMIA's financial condition which went -- I'm sorry, did not go to you, but on June 29, 1993, it went to Senator Marino, Senator Velella, Assemblyman Weprin and Assemblyman Silver, which in fact indicates that if MMIA does not have that money, that tax will then kick in?

SENATOR TULLY: I have a copy of the letter that you refer to, Senator Solomon. And if you recall the last time we had this discussion, you again stated that this was a position held by the Governor, and it turned out that he was incorrect. The actual indication of what MMIA has in it, we believe is in excess of

that which is indicated by the letter you refer to.

SENATOR SOLOMON: From MMIA?

SENATOR TULLY: Correct.

SENATOR SOLOMON: Okay. Well, Senator, let's assume that -- let's take both assumptions. Assumption A is you're saying that MMIA has the money. If MMIA has the money, why do we need this clause in the legislation?

SENATOR TULLY: Go ahead, Senator.

SENATOR SOLOMON: If MMIA has the money, why do we need this clause in the legislation?

SENATOR TULLY: The theory is that when you have a letter like this, it's an indication that MMIA is not anxious to transfer any money. It's somehow necessary to have a club over their head to force them to transfer the money, which is the reason for the provision with the franchise tax in this legislation.

SENATOR SOLOMON: But this tax also affects property and casualty insurers.

SENATOR TULLY: The past transactions dealing with MMIA have had this type language in them at the insistence of someone you know very well -- the Governor.

SENATOR SOLOMON: On the bill.

This bill basically has a tax on property and casualty insurers which, in effect, we'll be the only state to implement.

But what concerns me besides this tax is the fact it deals with premium deposits and where they're deposited. So right now, if we have insurers in this state and they deposit those premiums in New York banks, based upon that fact they are going to not deposit those premiums any more in New York banks which are, in effect, going to have a negative impact on those banks and all the other things they can do when they have those deposits placed within them.

I'm very concerned. And obviously, this thing popped up, where we have MMIA, which we keep taking money from which deals with medical malpractice, and we're always

concerned about medical malpractice rates, but we're taking the monies from the reserves or the allegedly excess reserves of MMIA and transferring it for another purpose.

What also concerns me is we put this alternative tax in here, and the impact of these taxes on business in this state. I thought we're supposed to be looking at things where we don't want to harm the businesses in this state. Now, we're doing a double whammy, not only are we taxing insurance companies but we're encouraging them not to deposit their premium dollars in New York banks and banks located in New York.

I think we've got a clause in here in this -- as I said, this 100-and something page bill. I don't even know how many pages it is. It is 131 pages, and out on page 125 pops these taxes.

It really concerns me where we are doing a piece of legislation such as this where it was proposed by the Governor. NYPHRM does not, in fact, expire until December of

1993. We'll probably have to come back and do changes on this based upon what eventually occurs in Congress, after a national health insurance proposal is unveiled and debated in Congress starting in the fall.

And we come in here on what we all thought and hoped was the last day of session, which is apparently not the last day of session with a triple whammy, if you might call it that. First we're saying, well, if MMIA has got the money, we're going to take it from them which impacts the reserves as malpractice insurers. And (b) is, if they don't have the money, we're going to take it from other insurance companies. And (c) is, because we're going to take it from the other insurance companies, we're going to take it from premiums and where their premiums are banked, so don't bank those premiums in New York State.

I think this is a great attitude if you want to further business in this state, and you've got to remember some of these insurance companies you are talking about in

terms of New York City, these are the companies that have thousands upon thousands of employees in New York City. You are not talking about companies with twenty employees, which you want to also protect. You are talking about companies with thousands of employees. You are talking about State Farm, which estimates - State Farm estimates it's an $11 million hit upon them alone.

Now, State Farm, the bulk of their business, folks, is not large commercial accounts. It's homeowners and automobile insurance. There's only one way you get that money from homeowners and automobile insurance. You get it by raising premiums. So when you have someone call you up and say, my automobile insurance premium is going up -- and that's a constant problem we're dealing with in the Insurance Committee, that's why we try and give discounts for anti-lock brakes, for safe driving courses, for air bags, automatic seat belts, et cetera. Those rates are going to go up.

The same thing with homeowners.

Home owners are going to experience rate increases now because of the natural disasters that occurred across the country. We have places such as Long Island, where insurance companies are already pulling out because they realize they have too many policies written in terms of a risk, a potential risk of a storm.

To hit a company like State Farm Auto, State Farm Insurance -- it goes directly. They write basically homeowners and automobile policies. There is no place else to get that money except to raise the premiums.

So, quote, what we're doing here is taking this money and transferring the money. I don't know who is going to get that money. I just see who it's coming from, and it's a triple whammy that's coming in at the last hour on a bill that does not have to be passed until December 31, '93, a bill which we're going to have to come back and probably do changes if anything occurs on the national scene with national health insurance, and this is just not being good to our constituents.

SENATOR JONES: Mr. President.

THE PRESIDENT: Senator Jones is recognized.

SENATOR JONES: Senator Saland, one of the things, of course, that is important to me is funding for Article 30, and I have been told that it's in here, and I was wondering would you identify it for me and also identify the source of the funding? Or Senator Tully, yes. Sorry.

SENATOR TULLY: Senator, page 92 and 93, starting with line 41 on page 92.

SENATOR JONES: Could you just identify -- would you yield for another question?

SENATOR TULLY: Yes, I will, Senator. The amount is $10 million, if that's the question.

SENATOR JONES: Could you identify, then, where the source of that money is coming from.

SENATOR TULLY: It is a rate add on, Senator.

SENATOR JONES: Excuse me, Senator, I didn't understand your answer.

SENATOR TULLY: It is a rate add-on.

SENATOR JONES: Okay. Would Senator yield to another question?

SENATOR TULLY: Yes, Mr. President.

SENATOR JONES: Who is this rate -- to the hospitals? Is the rate added on to the hospitals?

SENATOR TULLY: The answer, Mr. President, is to all payors.

SENATOR JONES: Okay. Thank you.

SENATOR OPPENHEIMER: Mr. President.

THE PRESIDENT: Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you, Mr. President. Would Senator Tully just yield for a question?

SENATOR TULLY: I will, Mr. President.

SENATOR OPPENHEIMER: The question is, I know there is a wage equalization factor that -

SENATOR TULLY: WEF.

SENATOR OPPENHEIMER: -- has been improved, and you and I know the problems of the NorMet region, which is those counties above New York City, and you are painfully aware, as is most everybody, that Westchester hospitals seem to be in the worst shape of any hospitals in the state, and it's basically because of the wage equalization factor.

My hospitals are telling me that there is not enough built in, that the improvement is insufficient to bring our hospitals up out of the red.

Could you comment on that please, Senator?

SENATOR TULLY: Yes, Mr. President. That, first of all, is contained on page 49, line 34, and I can tell you that when the Governor spoke to me with reference to this legislation, he indicated that he had two major

concerns, and only two, and one was in the area of cost containment, which we have addressed; and the other one was in the area of NorMet. And we can point out that the total amount that's involved with respect to NorMet and the WEF factor is $20 million, and that will be out of the labor component.

SENATOR OPPENHEIMER: Thank you, Senator. I hope we can increase that.

THE PRESIDENT: Senator Galiber.

SENATOR GALIBER: Yes. Senator, I originally just wanted to make a statement, but on that rate add-on, is that an amount of money that's paid by the patient who is entering the hospital?

SENATOR TULLY: (Nodding.)

SENATOR GALIBER: And is that fund then paid into a larger fund?

SENATOR TULLY: Yes, Mr. President. The answer to your question, Senator, is that the money is pooled and then is put forward through grants in aid.

SENATOR GALIBER: When it is

distributed, where does it go, after it goes into the pool and then is distributed out?

SENATOR TULLY: It goes to the existing EMS programs throughout the state.

SENATOR GALIBER: On the bill, Mr. President.

Senator Tully, this is a statement and also perhaps a question. First off, any bill that's put together with this amount of pages to it alone, just raw weight, as we used to measure out "A" papers in college - if it was heavy you got an "A" and what not - deserves a lot of credit, and I want to take this opportunity to congratulate you and your staff for a job in a very difficult area, which is well done in my judgment.

But, Senator Tully, this is a bill, obviously, of considerable magnitude and certainly has an impact on all the people in the state of New York. There are a number of committees and councils and advisory councils. For example, I'm told that on page 15 of the bill, you create regional nominating committees

or committee, and then on page 32 a regulatory review council, and on page 115 an ambulatory reimbursement demonstration advisory council.

They all have legislative appointments but do not include the Minority Leaders of both houses. I want to ask perhaps if this is an oversight; and if it is, is it fair for me to say, and to my colleagues, that when this proposed piece of legislation is signed by the Governor, will that language contain or include Minority party representation on those various councils?

SENATOR TULLY: That's an excellent question, Senator, and the answer to it is yes. We will be delighted to do a chapter to add that feature before it's signed by the Governor.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Senator Tully yield for a question, sir?

SENATOR TULLY: Yes, Mr. President.

SENATOR LARKIN: Mike, in this

bill here, we've been talking about two items, the WEF and the labor cost adjustment. Can you tell me what is the difference as far as we're concerned in the Hudson Valley and Orange County?

SENATOR TULLY: Mr. President. The answer to the question is that the labor component is a generic component whereas the WEF component is specified as specific with respect to the NorMet region.

SENATOR LARKIN: Would we -

SENATOR TULLY: I think probably what Senator Larkin has in mind is, "What about the money?" I think it was a question that was previously asked by Senator Oppenheimer and addressed, and I guess because the interests of the Senators in this chamber and the legislators in the other house who represent that particular region, and that of the Governor, coincide, this particular region, because of an injustice that's happened over the years with respect to labor, will be receiving money from both ends of it, from the labor end of it and from the WEF

end of it to correct the existing injustice.

THE PRESIDENT: Senator Mendez.

SENATOR MENDEZ: Mr. President. Senator Tully, I do not have any questions to you. I just wanted to urge all my colleagues to vote for this bill.

Oftentimes, I have stood on the floor of the chamber to criticize very strongly the reality that the working poor in the city of New York and in the other big cities will not be having access to primary health care. This very comprehensive bill will precisely do that.

In fact, even it goes -- it goes even further by making it possible for students to get into schools of medicine, and doctors to be able to establish practices in underserved areas. I have two sections in my district that definitely are classic -- three parts in my district that can be classified as under served.

And I'm very grateful and thankful to Senator Tully and all the people who worked on this bill that in fact will do -- will

provide primary health care delivery to all the residents of the city of New York and of the state of New York.

I urge everybody to vote aye.

THE PRESIDENT: Last section.

SENATOR DOLLINGER: Mr. President.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, one other comment. Will Senator Tully yield just to one quick question?

SENATOR TULLY: Yes, Mr. President.

SENATOR DOLLINGER: Senator, as you know, we in Monroe County have a highly prized health care system in which the hospitals have been a major contributor and a major participant in cost control containment, certificate of need, and other myriad of devices to try to control health care costs.

My question is really a general one. I've heard a number of explanations from

people in the Rochester community. I'd just be interested in the sponsor's view of what impact this proposal, the bill that we're about to vote on, would have on the Rochester health care experiment and its success.

SENATOR TULLY: Yes, Mr. President. This bill, this comprehensive piece of legislation, will promote the development of existing initiatives in that area, and we compliment those who brought them about.

SENATOR DOLLINGER: It is my understanding, Mr. President, this bill does move down the road to taking some of the things that have been very successfully implemented in Rochester and Monroe County and exporting them to other parts of the state, and I commend the sponsor for moving in that direction.

It's one that the Rochester community and the business community and its health care community, all facets, from its physicians and its hospitals down to the lowest health care worker really worked hard to try to contain costs and provide high quality service.

If this moves us down the road -- and I know there are negotiations with the other house on this bill. If we can move down that road to export from Rochester and Monroe County what has been extremely beneficial and extremely high quality at reasonable cost and get it to the rest of the state, my hope is that this bill is a step in that direction, and colleagues would join me in voting for it.

SENATOR ONORATO: Mr. President.

THE PRESIDENT: Senator Onorato.

SENATOR ONORATO: Will the sponsor yield to a question?

Senator Tully, I'm just a little confused on the $39 million that's supposedly in the MMIA pot, so to speak. If that money is not actually in there -- you are claiming that it is there; they are claiming that it isn't -- there is a potential possibility that we'll be getting an increase in our medical health plans, we will get a premium increase in our homeowners policy, and an increase in our automobile policy. Is that a fact? And if it is, how much are we

talking about of an increase in those three policies?

SENATOR TULLY: Mr. President, to try and put that to rest once and for all, Senator Solomon asked it before. I thought I had answered it.

The nature of the game is that in the event MMIA says that they do not have the money, the state will then give them an IOU, and they will transfer the money to them so they can transfer it back. The purpose of the provision with respect to the franchise tax, again, is a club to force them to bring the money over when they say they do not have it, because it's happened in the past, and this is a procedure that was developed by the Governor.

SENATOR ONORATO: In other words, there's -- nothing in this bill states that the other three policies that I referred to will have to be raised, premiums?

SENATOR TULLY: That is right.

SENATOR ONORATO: Thank you.

THE PRESIDENT: Senator Espada.

SENATOR ESPADA: Sponsor yield for a question, please?

SENATOR TULLY: Yes, Mr. President.

SENATOR ESPADA: We had a number of pilot programs, demonstration programs throughout the state that sought to provide affordable health care insurance to the working poor who would otherwise be uninsured. Does your bill make provision for those demonstration programs to continue? And if not, why not?

SENATOR TULLY: Yes. The answer to that is yes, Mr. President. They will be continued.

SENATOR ESPADA: Thank you.

THE PRESIDENT: Senator Gold, did you want recognition?

SENATOR GOLD: No.

THE PRESIDENT: Senator Galiber.

SENATOR GALIBER: Senator Tully, I'm hesitating how to put this, because built into the connotation that it's a one-house bill there are other connotations, and certainly it's

not mine. But is this a final bill? Are both houses on board with this, or is this still kind of a "kind-of kind-of"?

SENATOR TULLY: That's a very fair question, Senator Galiber. I believe this bill could have been negotiated and completed months ago, but for whatever reason, the difficulty was with the second floor.

I believe we're in consistency with the Assembly as far as the bill goes. But right now, up until yesterday, the thrust was - was that there was no money to do this bill; there was no money to do an environmental plan ning bill; there was no money to do stadiums; and suddenly, Senator Galiber -- suddenly, somehow, money has appeared.

And we're now being told that perhaps we can resolve this problem and the other two as well. Although I fail to see and do not see any connection between them whatsoever. I think the some time has come for action. It should have been done a long, long time ago.

Because now you are giving me the opportunity to explain that the hospitals in this state are in dire shape. They are in terrible shape. They lost over a billion dollars based on a study done by the Council on Health Care Financing, and they are facing a tremendous shot and a cutback from the federal government of $300 million to $350 million in the coming year.

On top of that, they face a cut in the next four years of somewhere in the area of $3-1/2 billion. That type of situation could be catastrophic to the hospitals in this state, and the whole concept of the planning that's being done by the federal government which may be advanced some time this year, but will probably never see light of day as law until perhaps 1995, because it's not going to get done this year and next year is an election year, and it's not going to get done then. So it will probably be done in '95.

We have to have something in place so that this state, the Excelsior State,

is out front in the area of health planning, as it is now. That's the purpose of this bill. It should have been done a long time ago.

But if you are asking, will this bill become the law -

SENATOR GALIBER: Yes.

SENATOR TULLY: -- in the next 24 hours or not, I sure as heck hope so, Senator, but only the person on the second floor knows that at the moment.

SENATOR GALIBER: Well, one I was asking that question because I congratulate you and your staff. Obviously it's a bit early, and I hope that we're not here to congratulate when it passes.

SENATOR TULLY: Senator, on that note, I'm remiss in that I didn't thank you and Senator Dollinger for your kind comments because I can tell you this. The staff has worked on this bill for over a year and a half, and it wasn't just this staff. It was the staff of Senator Cook, and Senator Cook, and Senator Holland and his staff. And they've worked,

dedicated, towards the passage of this bill, as have the members of the other house.

It is something whose day has come, and it should be done, and if there's any way that any other members in this house have an opportunity to talk to the gentleman on the second floor or the President, the Lieutenant Governor, in his infinite wisdom if he has an opportunity, now is the time to tell him. This is one that should get done, and we should get this done before we get out of here.

SENATOR GALIBER: And just one other point, that I have a memo, and I'm sure you have. It's from District Council 37, and they list -- I won't go through it because you have it and probably your staff has it on their fingertips -- a number of concerns of theirs. Have those concerns been answered, or are they still being taken care of, or will they be taken care of?

SENATOR TULLY: All of the concerns that they have expressed will not be done because it would cost too much, but a

number of the labor enhancements that DC 37 wants are incorporated in the bill and will be taken care of. And as I indicated previously, this bill was worked out with a number of people not the least of which was the Council on Health Care Financing on which sits a member, in effect, the president of DC 37.

SENATOR GALIBER: Thank you, Senator.

SENATOR SOLOMON: Mr. President.

THE PRESIDENT: Senator Solomon.

SENATOR SOLOMON: Yes, Mr. President. Will Senator Tully yield, please?

SENATOR TULLY: Yes, Mr. President.

SENATOR SOLOMON: Senator, can you tell me if there are any quality assurance provisions in this bill; and if so, what page they are on?

SENATOR TULLY: Yes, there are quite a few. Just a moment, Senator.

It is included through the planning and the networking as far as they

incorporate quality assurance in them. The actual specifics of the quality program that we put forward was taken off the table by the Assembly.

SENATOR SOLOMON: So there is no changes in quality assurance included in this bill?

SENATOR TULLY: Not with respect to specifics, but with the overall umbrella of the things I mentioned before.

SENATOR SOLOMON: What pages of the bill are they on, Senator?

SENATOR TULLY: Probably give you a lot of pages. Do you want to take the time to go through each one?

In everything that's associated with planning is quality improvement to begin with, and planning is throughout the bill.

SENATOR SOLOMON: So the governing boards now have to be involved with additional quality improvement methodology.

SENATOR TULLY: And also with networking. As you know, Senator, I'm sure you

know that hospitals like North Shore, University on Long Island, New York Hospital in New York City, are networking with eight and ten other hospitals in the area of quality improvement, and they are doing a fine job. That is continued under this bill with the planning programs and the initiatives we have in here for networking.

SENATOR SOLOMON: Mr. President, if Senator Tully will yield again? Senator, are there any penalties for directors or for boards of trustees, I guess, in the case of not-for-profit institutions, if they don't properly carry out quality assurance programs? I should say "quality improvement" program's?

SENATOR TULLY: No, there are not, other than existing law, Senator. Nothing new.

SENATOR SOLOMON: So in this legislation there's no penalties, but there are some directions that they are supposed to take in terms of quality improvement or continuous quality improvement programs?

SENATOR TULLY: That's correct, under the overall umbrella in the regulations of the Department of Health.

SENATOR SOLOMON: And, Senator, if they don't take that course of conduct or embark upon that course of conduct, there are no penalties included in this or just Department of Health regulations in terms of certification?

SENATOR TULLY: There currently are provisions under state law for misconduct, as I know you're sure of, Senator. And it wasn't the intention of this bill to provide for penal sanctions but to provide for a cooperative effort and a networking so that the people of this state could be well served in health care and health care reform.

SENATOR SOLOMON: Senator, if you'll continue to yield. Dr. Chassin had mentioned, when he introduced the Governor's version of this, I guess where they were going to take a look at the outcome results of procedures. Is any of that included in the bill?

SENATOR TULLY: The concepts advanced by Dr. Chassin I have publicly indicated are similar to the ones that I espoused myself.

SENATOR SOLOMON: Excuse me. Mr. President, can we have some order, please?

THE PRESIDENT: Senator Solomon's point is well taken.

(Whereupon, the President gaveled for order.)

Thank you.

Senator Tully.

SENATOR TULLY: To answer your question specifically, Senator Solomon, I'm grateful to hear that that's something that you support, and I know you have done it as a member of the Health Committee, as well.

The difficulty we've had in quality initiatives specifically, as opposed to the networking and as opposed to planning, is that the other house did not choose to include them, and in all the discussions that we had they were off the table. So they were not

included for that reason.

SENATOR SOLOMON: Senator, I'm sorry to continue questions like this, but if this had come up in committee, it would have been easier. But the bill came out on July 1. I don't have that large a staff so I'm sort of winging this.

Are there any provisions for practice parameters? Because we always talk about malpractice, and I know some states such as the state of Florida have embarked upon that. Do we have any provisions such as that in this bill?

SENATOR TULLY: Practice parameters as advanced by the Commissioner Dr. Mark Chassin were included in my original bill. They came out because there couldn't be three way agreement on them, not the second floor, but the Assembly again because they didn't want to agree to them. I think they are important. I think they should be there. You and I have discussed them. We've discussed the impact they might have on the extreme costs of malpractice

insurance in this state. I think they could be very advantageous. Maybe you can convince the other side, those in the other house to agree to them, and we could have this amended and have it effectuated.

SENATOR SOLOMON: Thank you.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 70. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Cook.

SENATOR COOK: Mr. President, in voting on this bill, I simply want to thank Senator Tully and his staff for their cooperation in developing the rural health aspects of this program. They have been extremely open to all kinds of suggestions and I really -- I can't tell you of a better working relationship that I have seen around here than the relationship that we've had with them.

I'm very proud to vote yes.

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

THE PRESIDENT: Senator Solomon is recognized to explain his vote.

SENATOR SOLOMON: Yes. Mr. President, under normal circumstances, I would probably vote for this legislation; however, due to the fact that it came out on July 1, 1993 and is a 131-page bill, which I would like to have examined a lot of the impact of this; and in addition, due to the fact that we'll probably have to come back within a year or so to change some of the clauses in this as a result of some national health insurance reform, I'm going to vote no on this bill.

Thank you.

THE PRESIDENT: Senator Tully.

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

THE PRESIDENT: Senator Tully is recognized to explain his vote.

SENATOR TULLY: I would like to point out to the members that this bill came out

in early June, which was quite a while ago, this being July 6, and the final bill came out on July 1 which gave five days for members to look at a bill, which I think is a lot more time than we traditionally get.

But, in any event, this is landmark legislation in that it comprises the best in providing the necessary funding for our institutions that need them as well as providing primary care initiatives and prevention, which are very significant in helping those who need it the most, and also providing for great cost savings to the state and implementing it by virtue of the totality of the planning that's included within the bill.

I believe it's attribute to what can be done by people working together, by the fine staff that we're possessed of in the Legislature, by the cooperative effort of members of this chamber, and by the fine efforts of people in the other house, as well.

I hope it's recognized by the Governor and that we soon have this piece of law

in effect.

And I vote aye.

THE PRESIDENT: Results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1501 are Senators Daly, Solomon and Velella. Ayes 50, nays 3.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1385.

SENATOR PADAVAN: Mr. President, may we take up Calendar Number 1452.

THE SECRETARY: On page 27, Calendar Number 1452, by the Senate Committee on Rules, Senate Bill Number 6046, an act to amend the Tax Law, the General City Law and the Administrative Code of the city of New York.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The secretary called the roll.)

SENATOR GOLD: Point of order, Mr. President.

THE PRESIDENT: Senator Gold.

SENATOR GOLD: I don't think visitors in the gallery ought to be voting (indicating a Senator in the gallery.)

(Laughter.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1452 are Senators Cook, Dollinger, Holland, Johnson, Larkin, LaValle, Levy, Marino, Oppenheimer, Pataki, Saland, Sheffer, Skelos, Spano, Stachowski, Trunzo, Tully, Velella, also Senator Lack, also Senator Hannon, also Senator Sears.

Ayes 32, nays 21.

THE PRESIDENT: The bill is passed.

Senator Present.

SENATOR PRESENT: Call up Calendar 528.

THE SECRETARY: On page 8, Calendar Number 528, by member of the Assembly

Seminario, Assembly Bill 3952B, Labor Law in relation to drug testing of police officers.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

SENATOR JONES: Mr. President.

THE PRESIDENT: Wait. Senator Jones.

SENATOR JONES: Will the sponsor yield to a question, please?

THE PRESIDENT: Senator Lack, request is made for you to yield to a question with respect to Calendar Number 528.

SENATOR LACK: Why don't we lay it aside temporarily.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1385. Senator Tully moves to discharge the Committee on Rules from Assembly Bill Number 8609A and substitute it for the identical Third

Reading 1385.

SENATOR SOLOMON: Explanation.

THE PRESIDENT: Substitution ordered. Explanation is requested.

Senator Present.

SENATOR PRESENT: Is there a message of necessity?

THE PRESIDENT: There is a message at the desk.

SENATOR PRESENT: I move we accept the message.

THE PRESIDENT: On the motion. All those in favor say aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The ayes have it. The motion is adopted.

Senator Tully.

SENATOR TULLY: Yes, Mr. President. Can you advise me as to who asked for the explanation?

THE PRESIDENT: Senator Solomon,

I believe.

SENATOR TULLY: Thank you, Mr. President. This bill amends the Insurance Law in relation to the prohibition of discrimination against particular diseases in the provision of benefits.

SENATOR SOLOMON: Senator Tully yield please?

SENATOR TULLY: I will, Mr. President.

SENATOR SOLOMON: Senator Tully, this bill prevents New York State licensed insurance companies from being third party administrators in cases where there are limits by the employer who is self-insured. Correct?

SENATOR TULLY: That's correct.

SENATOR SOLOMON: So, Senator Tully, let me ask you another question. If an employer who is exempt from ERISA decides that he still wants to offer this coverage which limits certain benefits, he can go get a company that's not licensed in New York to be a third party administrator.

SENATOR TULLY: Yes, he can, Mr. President.

SENATOR SOLOMON: I see. So the only thing this will do is hurt the insurance companies in New York, prevent them from being third party administrators on these plans.

SENATOR TULLY: Mr. President. That's not so, and plus that is a subjective statement on the part of Senator Solomon. I think he fully knows what this bill will do.

This bill is intended to aid those who are most in need. You have situations of people who are insured currently and then become the victims of a catastrophic disease, something like AIDS, something like Alzheimer's Disease, something like cancer and then they are told by some insurance companies -- these people that I think certain people would have you believe are on the great white horse -- are told they are no longer covered, and they drop them, and there are lawsuits. And in the lawsuits, they prevail because most people don't read the fine print of contracts. This bill is intended

to stop that practice and to help those who are most in need.

SENATOR SOLOMON: Mr. President, will Senator Tully yield?

(Whereupon, Senator Farley was in the chair.)

ACTING PRESIDENT FARLEY: Senator Tully, will you yield?

SENATOR TULLY: Yes, I will yield, Mr. President.

SENATOR SOLOMON: Senator, the lawsuit we're talking about dealt with AIDS at the H & H Music Company in Texas, where they had a million dollars coverage. When they found out someone had AIDS, they changed it to $5,000. Were they a self-insured company, Senator?

SENATOR TULLY: I don't know the answer to that, Mr. President.

SENATOR SOLOMON: Senator, they were self-insured according to the New Yorkers for Accessible Health Coverage memo supporting your bill. Senator, they were self-insured pursuant to ERISA; correct?

SENATOR TULLY: Yes, they were.

SENATOR SOLOMON: Will this bill affect any company that is self-insured pursuant to ERISA?

ACTING PRESIDENT FARLEY: Senator Tully.

SENATOR TULLY: Yes, Mr. President. This does not affect the plan. It affects the administrators of the company providing the stop loss, and you can still have an overall call cap on total benefits and under this law, that doesn't mean you discriminate.

While I'm speaking, I did notice that the bill indicated that there were opposition memos, Mr. President, from The Business Council and from General Motors. I can state for the record that both oppositions have been lifted, and The Business Council and General Motors no longer oppose this bill.

SENATOR SOLOMON: Senator Tully. Mr. President, if the Senator will yield again.

ACTING PRESIDENT FARLEY: If you'll yield again.

SENATOR TULLY: Yes, Mr. President.

SENATOR SOLOMON: The point of the matter is if -- let's take a hypothetical situation. We have a company in New York that is exempt from New York State insurance law because it is exempted by ERISA, and it is self-insured. And if they had Metropolitan Life, for instance, as a third party administrator, under this law they could no longer have Metropolitan Life if they had that cap on coverage that we're talking about.

SENATOR TULLY: If they violate the provisions of this law, Mr. President, and if they discriminate because of a particular disease, they could not and should not and will not.

SENATOR SOLOMON: Have a New York company as administrator.

However, they could still hire Golden Rule, for instance, which is not licensed in New York as a third party administrator.

SENATOR TULLY: If, Mr.

President, we were able to dictate what would happen with respect to companies in other states, we'd have a lot easier job as legislators. Senator Solomon knows that's not something we can do. If he chooses to do something about that, there is always the opportunity to run for Congress, become a member of the federal legislature and do something there.

SENATOR SOLOMON: Thank you. On the bill.

ACTING PRESIDENT FARLEY: On the bill. Senator Solomon.

SENATOR SOLOMON: This is laudable what the bill attempts to do. However, we have to remember several things. I have said time and time again, the number of companies that self-insure is increasing as we have mandates, and we put these mandates on and they decide to avoid the mandates. They can self-insure, and they're exempt by ERISA.

All this does is take a company which is currently exempt from ERISA and using a

New York State licensed insurance company to administer its plan, do the bureaucratic paperwork, handle the paperwork and says that New York company cannot do that any more. However, it can still go out and hire a third party administrator, a TPA from elsewhere in the state.

I should add -- I don't know. I know the independent agents are opposed to this bill because they feel it will also impact their business.

But getting back to that, the only thing it does is cause some more loss of business for some New York insurance companies. It is not to go anywhere in terms of resolving the problem. You will have TPAs from outside of New York coming in to do this work.

This unfortunately is a case, by the way, and Senator Tully didn't mention it, which the insurance companies opposed and submitted briefs in opposition to the case in Texas as it wound its way into the Supreme Court.

This was a case that a lot of people were opposed to. Because the fact of the matter is, this one company in Texas when they found out an employee had AIDS, they changed their insurance coverage. They changed the coverage that they had because they were self-insured. In effect, the policy said that they could decide whatever they wanted to cover. They said, "Well, we'll put a cap. From a million we're going to change it to $5,000."

It went to the U. S. Supreme Court. Under ERISA which is the 8,000-pound gorilla in terms of state regulation of insurance -- under ERISA, the Supreme Court said you can do it.

This is not going to solve that problem. ERISA has to be changed to solve that problem. And, Senator Tully, maybe we should both go to Congress so we can change ERISA and resolve these problems because you cannot properly resolve them in the state Legislature, and that's where the problem lies. Taking business away from companies that are licensed

in New York, having people become unemployed because of bills such as this does not help resolve the problem.

ACTING PRESIDENT FARLEY: Senator Halperin.

SENATOR HALPERIN: Senator Tully, I'm going to ask you to yield to a question, and I think you've pretty much answered it, but I just wanted to make it absolutely clear in my own mind.

First of all, I was a sponsor of legislation which permitted New York State insurers to administer self-insured plans. And until, I don't know, maybe six or seven years ago, perhaps a little bit longer, it was not legal for New York State insurance companies to administer such plans at all. And the reason that I introduced the bill was very simply for what Senator Solomon is alluding to, that business that might otherwise be held by New York State employeres and companies that pay taxes here and that add to the economy was simply flowing elsewhere. It didn't stop

self-insureds. It didn't prevent them from doing whatever they were doing. All that it did was to punish companies for being licensed in New York State. Because if they were licensed somewhere else, then they would be able to administer these plans so long as they were not operating as insurance companies in New York State. And as a matter of fact, there were companies that were not insurance companies that were simply in the business of administering self-insurance plans that were not from New York.

So my question to you: Since your memo says that the purpose of this bill is to "prohibit discrimination against particular diseases in the provision of health insurance benefits," how do you see that intended purpose being carried out by this bill? Do you believe that there are not sufficient numbers of administrators who are not licensed insurers in this state who -- so that these self-insureds will not be able to find anyone to administer it? Is that what you are suggesting?

SENATOR TULLY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Tully.

SENATOR TULLY: It's not a question of my belief. I think what you have here is something that we are coming more and more to grips with in this state, Senator Halperin, and that is the issue of adequate provision of health care versus insurance coverage and insurance benefits.

And I commend you for the bill which you did initiate, which I think may be only one company in this state has taken advantage of. And as I understand it, there are currently negotiations going on in the Insurance Department with respect to the whole concept of self-insurance so that New York State can again be ahead in the field, as they are not compared to some other states.

But whether or not there are administrators from other states who would come in and gather up this business or not, I don't pretend to know or do I pretend to say that

that's the reason to pass this bill. What I do say is that there are people out here who are suffering catastrophic illnesses who are not being provided for by companies today in this state, many of whom, incidentally, while they are located in New York State, are companies who are founded in another state. So you have a complete difference here about how many of these administrators, while they might be from Pennsylvania and operating in New York State, might also be based in New York State. There is a difference, in effect, and I don't pretend to know the answers to that.

All I'm saying is that this bill is here to prevent that problem of discrimination which is actually being evidenced by insurance companies in this state.

SENATOR HALPERIN: Mr. President. Would Senator Tully yield to another question?

ACTING PRESIDENT FARLEY: I am confident that he will.

Senator Tully.

SENATOR TULLY: My turn in the boat, Senator. Why not?

SENATOR HALPERIN: I listened very carefully to your explanation, and I still don't think you're answering my question. Let's -- let's -

SENATOR TULLY: The answer to your question, Senator, is I don't know the answer to your question -

SENATOR HALPERIN: No, no, no-no-no-no. Senator Tully.

SENATOR TULLY: -- as far as how many administrators would do it.

SENATOR HALPERIN: Senator Tully, would you please permit me. I think you answered a question other than one which I asked.

SENATOR TULLY: Would you restate the question.

SENATOR HALPERIN: Yes, that's what I'm attempting to do.

SENATOR TULLY: Okay.

SENATOR HALPERIN: -- Senator.

Through the president, if he pays attention to me.

ACTING PRESIDENT FARLEY: Yes.

SENATOR HALPERIN: My question was if there is a self-insurance plan which is operating under ERISA, so that we in New York State -- and, by the way, I have fought as a member of the National Conference of Insurance Legislators, its former president, and the chairman of the federal/state relations committee to get back the right of states to regulate these self-insurance plans that ERISA has pushed us out of, because I'm very concerned about the types of abuses that I see occurring without proper state regulations.

So I'm in accord with your general sentiments and your desire to bring this under some kind of state control.

My question to you is, if there is a self-insured plan under ERISA so that we in New York State cannot control what they do, what difference does it make whether that plan is being administered by a New York State licensed

insurance company, by a licensed insurance company from another state that's not licensed in New York State so that it would not be covered by the provisions of this bill, or by a company other than an insurance company which was in the business of administering self-insurance plans?

How are we providing any iota of additional protection to New York State residents by restricting the self-insurance plan to be administered by one or another company? How is that affected in any way whatsoever?

SENATOR TULLY: Thank you for the terseness of your question, Senator Halperin, through the Chair.

I think the bill is clear and perhaps you have some difficulty with it, Senator Halperin, but I think the bill specifically applies to those who are licensed in New York State.

I can't talk about what would happen with those in other states or whether - again, when I answered your question -- whether

they would come into play. Now, there may be a failure to communicate here, but I think I've answered the question twice. The first time you didn't like the answer, and you may not like it the second time, but I'm not going to yield to explain it a third time.

SENATOR HALPERIN: Mr. President. Senator Tully, don't worry. I've given up. I wouldn't ask you a third time. And I think -- the reason I won't ask you a third time is because I don't think that there is an answer that -- that it's going to be acceptable to me.

So let me just, on the bill, Mr. President, explain why I'm going to vote against this bill.

Before I passed and this house voted for and the other house voted for and the Governor signed the legislation which permitted New York State insurance companies to come in and administer these plans, these plans were up and running and being administered by companies from other states or by entities other than

insurance companies that might or might not be domiciled in this state. There were no fewer plans. The plans could find administrators.

This bill is attacking a strawman. The fact that a state insurance company is administering a plan that is exempt from state law is irrelevant and relates to the practices of that company. And, therefore, I see us gaining absolutely no advantage in the area in which you are indicating you would like to see some action taken.

The only way to do that is to change the federal law so that ERISA is no longer exempt from state regulations so that we can keep them under control. Because I can tell you that I evaluated the degree of regulation by the federal government over ERISA-exempt plans, and I can tell you that it's abysmal.

Right now, Senator Nunn is holding hearings and being critical of our state Insurance Department for its failure to adequately supervise Blue Cross and Blue Shield, and I can assure you that the federal government

does a much less detailed job and is -- fails in every way to even approximate that degree of regulation.

So whether the plan is administered by a New York licensed company or not, the problem will continue to exist. The only thing this bill does is hurt business in New York State, and I'm surprised that you would sponsor such a bill, when I hear from the other side of the aisle so often about how we wish to encourage businesses in New York State.

If you can answer my question and show me how we'd be discouraging these plans from operating in a way in which we do not approve, I will vote for this bill, but I do not believe -- in fact, I know this bill will not help to improve that problem.

ACTING PRESIDENT FARLEY: Senator Tully.

SENATOR TULLY: Mr. President, on the bill. As I indicated previously, the question of the opposition of The Business Council came up. I indicated that that was

removed. I failed to indicate, however, that this bill is supported by a few small groups that some of the members might know, the New Yorkers for Accessible Health Coverage, the Long Island Association for AIDS Care, the National Alliance of Breast Cancer Organizations, the American Association of Retired Persons, the Arts Coalition, strange Group of Independent Democrats, the New York State Association of Nurses and the Statewide Senior Action Council. I think it's a bill we should support and I urge all of my colleagues to vote for it.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1385 are Senators Daly, Halperin, Kuhl, Larkin, Pataki, Saland, Solomon, Velella, Wright, also Senator

Bruno. Ayes 43, nays -- also Senator Johnson in the negative. Ayes 41, nays 12.

ACTING PRESIDENT FARLEY: That bill is passed.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Calendar 1391, please.

ACTING PRESIDENT FARLEY: 1391, the Secretary will read it.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR LEICHTER: Yes, just before you read that Calendar, would you please report me in the negative on Calendar 1581, if I may have unanimous consent for that purpose.

ACTING PRESIDENT FARLEY: 1581, Senator Leichter is in the negative, without objection.

SENATOR PRESENT: 1391.

ACTING PRESIDENT FARLEY:

Secretary will read the bill, Senator Present asked for. 1391, I think it was. That's on page 25.

THE SECRETARY: On page 25, Calendar Number 1391, by Senator Lack, Senate Bill Number 5886C, Workers' Compensation Law.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Will the distinguished gentleman from Long Island explain the bill.

ACTING PRESIDENT FARLEY: Senator Lack.

SENATOR LACK: Yes, I will.

Mr. President. As you can see by the Calendar Number, it ends in 'C'. This is a bill that has now been amended four times, yet it's presented to this house at this late date as a non-agreed-upon bill with the Assembly.

And the second unusual aspect of this bill, as you can see right after the names of the sponsors, it says, "at the request of the

Governor," and this is indeed a Governor's program bill, a program bill which would bring managed care to Workers' Compensation.

The current premium base for Workers' Compensation premiums in the state of New York before July 1st this year is $4.2 billion with an approximate 19 percent increase recommended by the Workers' Compensation Rating Board, not a government agency, to the New York State Department of Insurance. That base which is outside of whatever self-insureds pay for the cost of Workers' compensation will increase to $5 billion next year.

The one and only question you really have to ask: Is there $5 billion worth of compensation going to workers in the state of New York and the very obvious answer to any of that is, "No." And if not, where is it going?

I won't get into a long explanation except to tell you that this bill is an attempt, so far mainly between the Governor and the Senate, to bring some reform into the manner by which compensation services are

provided in New York.

Everyone knows that over 75 years ago when Workers' Compensation was set up, it was set up to act in a non-advice/adversarial situation so that an injured worker could be healed and returned to work as soon as possible.

Unfortunately, the system has devolved, after over 2,000 amendments to the Workers' Compensation Law, to a system where there are thousands of people who feed and live and eat off the system itself, and the individual injured worker is merely a catalyst to that situation.

This bill is an honest attempt replicating that of some 20 states in this Union to bring and to recognize the fact that managed care as far as the delivery of health services should be part of the Workers' Compensation system as well.

And in fact, it's supported by the National Federation of Independent Business, The Business Council, the Farm Bureau, the

General Building Contractors, and everybody in the city of Rochester, who has lived under its own form of managed care for a number of years.

There are no -- and I repeat no -- labor memoranda in opposition to the "C" print of this bill. There is only a letter FAXed to me within the past hour signed by the president of the New York State AFL-CIO. I repeat a letter "Dear Senator Lack," in which he brings to my attention President Clinton's latest remarks on the subject, made to the National Federation of Independent Business on June 29, in which President Clinton once again repeats what Ira Magaziner has said to a bunch of legislators, myself included, in Washington in May, that it is the federal government's de sire to take over the medical portion of Work ers' Compensation which, by the way, would leave the states -- leave the states with replacement wage/disability, the bag, as it were, to still pay for that portion of Workers' Comp. And all 50 states, particularly to the National Conference of State Legislatures, are opposed to

that.

Within the past half hour, I have spoken to the Governor and informed him of Mr. Cleary's letter, and the Governor said that I certainly could advise the Senate, and I would think through the Senate and the Assembly as well, that we in New York can't wait even if President Clinton wanted to go ahead; and even if the President had the opposition of all 50 states, it would be almost seven years until a federal program can be put in place. And by then, the premium base in this state would be, Lord knows, how many billions of dollars.

I won't go into all the details of this bill except to say that it is well reasoned. It has been well negotiated. And again, to repeat, there are no labor memoranda in opposition.

And I would hope at 6:00 o'clock on July 6, Tuesday evening, for the time we have remaining here, one day, 36 hours, 24 hours, whatever it might be, that the powers to be in the New York State Assembly, particularly those

almost 30 members of the Assembly Majority who want to see this bill passed and the Governor sign his program bill into law, get their say in the New York State Assembly and that they come to the table to negotiate, to speak and to agree on a bill with the Senate and the second floor.

It certainly can be done. As I said, it's been done in 20 states. Just a couple weeks ago the last state, in Nebraska. I would hope we in New York could do the same and begin the very, very long march towards cost containment in our Workers' Compensation system.

We have to start now. We can not wait. And if we do not start now, I challenge my colleagues in the Assembly to explain to their constituents when they get home the rate increases that are taking place in Workers' Compensation and driving not only businesses - because this is not just a business bill -- but driving jobs and employees wholesale out of the state of New York.

ACTING PRESIDENT FARLEY: Read the last section.

Oh, Senator Stachowski.

SENATOR STACHOWSKI: Would Senator Lack yield for a few questions?

SENATOR LACK: Certainly.

SENATOR STACHOWSKI: One at a some time, of course. Senator, I noticed in the bill there is an advisory committee, and in the print we are looking at now, there are no appointments for Minority Leaders, so to speak, in either house and we were wondering if it will be addressed in the final bill, not that this is not, but if there is a compromise yet to be worked out if that small oversight could be looked at, possibly taken care of?

SENATOR LACK: Senator, if the Senate Minority could implead with the Assembly Majority so that this bill could become law, I can guarantee you that there would be no problem with your request that there be representation appointed by the Minority Leaders of both houses.

SENATOR STACHOWSKI: Senator yield for another question?

SENATOR LACK: Yes, sir.

SENATOR STACHOWSKI: I think, for the benefit of people who have been watching this bill as it went now from an "A" print to a "C" print and notice that we all have memos of opposition obviously, let's first start with the union side, that PEF was against it and that the bricklayers and some others, and the craftsmen were against it. You made -- you took steps that would cause them to withdraw their opposition?

SENATOR LACK: That's correct, Senator. Actually, the original print, 5886, and 5886-A, actually took care, or should have, of the opposition. Obviously to many labor organizations in this state, that was not clear enough, and I've been here long enough to know that there's no problem with being redundant, so we were doubly redundant, and we have in the bill provisions which I call belt, suspenders and a hang-up.

It is now in three places in this piece of legislation that wherever there is a

collective bargaining agreement or wherever there should be a collective bargaining agreement, and if they didn't have a collective bargaining agreement and should have had a collective bargaining agreement that this cannot be implemented until it's done through a collective bargaining agreement in three places.

SENATOR STACHOWSKI: Would the Senator yield for another question?

SENATOR LACK: Certainly.

SENATOR STACHOWSKI: Also in the original bill, excuse me, on the "A" print, the Retail Council had a problem and you obviously have taken care of that problem. Could you explain to those members that have been following how that -

SENATOR LACK: Well, that problem was a general problem which has now been taken care of, and I didn't read every business organization that had filed a memo in favor, but I don't know many that are around who have not and I think virtually from small chambers of commerce to banks to the general organizations,

including the Business Council, I've mentioned they've all filed memos in favor of this bill and I've fought to tell you that, even after the current Assembly version, in setting up some kind of labor management committee appoints directly a representative, and it's in their bill of the New York State Business Council and the New York State AFL-CIO, the New York State Business Council has endorsed not that bill but this bill, and the New York State AFL-CIO has issued no memo whatsoever to anybody.

SENATOR STACHOWSKI: Thank you, Senator. On the bill.

We're glad that the steps have been taken to remove the opposition, and we're glad that we now have fallen in line in the Senate with the position that the Governor has and that two-thirds of the three parties necessary are moving forward to get something done in managed care.

I think it's a realization that the cost of managed care is very high to business and, as a result of that, extremely

costly to the work force so that dealing with managed care we feel is very, very important at this time, but it also at the time that we wanted to deal with managed care, we didn't want to expose any of the working men and women in the state of New York to anything that they felt was unfair to them and, obviously, by doing a pilot type bill, we'll find out and see if there's any kind of changes that have to be made so that this would continue to be a win/win both from the people that are paying the bills for the policies and that of the working people that are covered by them, and that nobody is given an unfair deal; so that this pilot type of bill is a much better idea. I think the Governor is right in being behind it.

I'm glad to see all the changes were made to make it something everyone seems to be able to live with, at least mostly everyone seems to be able to live with, and hopefully those people in the Assembly that are dealing with this bill will also see fit to take some steps this year and move along and hopefully

support this bill so that we can accomplish a great step forward in managed care and, therefore, taking a great step forward in dealing with the problems that we have with our Workers' Compensation system.

ACTING PRESIDENT FARLEY: Read the last -- Senator Onorato.

SENATOR ONORATO: Senator Lack, you mentioned in your remarks that you took care of the problems of the various labor unions and that you had three redundancies in your new version. These three redundancies took care of these problems, I take it, right?

SENATOR LACK: Yes, Senator Onorato.

SENATOR ONORATO: Well, then, in this particular case redundancies are worth repeating; is that correct?

SENATOR LACK: Absolutely, Senator.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT FARLEY: Senator

Dollinger.

SENATOR DOLLINGER: Mr. President, I rise in support of this bill, and I give my compliments to my colleague from Long Island in being persistent in addressing the points that were raised.

In Monroe County, managed care is not a foreign concept but one that has been a hallmark of the care in the Rochester health care system. But I think I'd be remiss if I didn't mention that there is one other thing that this managed care system might do.

If you look at the Florida system, one of the reasons for doing this was not only the promise of the reduction in cost to the Workers' Compensation system but the promise that it holds. It holds not only the reduction in cost to the employers; it holds open the option that we may be able to increase the benefits to the employee without increasing the costs to the employer, and that's something we should not lose sight of, that this managed care might hold not only the costs down to the

employer, which is important in this state, but if the costs go down, the persons who need the coverage in the Workmen's Compensation system may find that they'll be able to increase the benefit without increasing the overall cost.

So there's a great deal of promise in this proposal. I think it's a good step in the right direction. I'm pleased to support it, commend those involved in sticking with it and getting it through. I wish them well with the other house.

SENATOR LACK: Thank you.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR PRESENT: Calendar 1386.

ACTING PRESIDENT FARLEY: 1386, the Secretary will read.

THE SECRETARY: Calendar Number 1386, by Senator Velella, Senate Bill Number 5303-A, an act to amend the Insurance Law.

SENATOR GOLD: Last section.

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 54.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR GOLD: Hold on. Hold on one second. I'm sorry. I'm sorry.

Mr. President, I understand this was a layaside by Senator Solomon, and that he was here, just walked out a moment ago. There he is, right. I want to give him the courtesy. Senator, you want to vote no, or you want to

debate this?

SENATOR SOLOMON: Oh, I'd just like an explanation.

ACTING PRESIDENT FARLEY: Call the roll on the reconsideration of the bill that just passed.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is before the house.

Senator Solomon.

SENATOR SOLOMON: Senator Velella, it would be easier if you just questioned, can you tell me what the term viatical is, viatical (inaudible).

SENATOR VELELLA: It's got a Biblical context. It means in preparation for death, viatical -- viatical settlements will now be settlements which people who are diagnosed as having fatal diseases will now be covered under this section.

SENATOR SOLOMON: O.K. Thank you

Senator Velella. The reason I asked -

SENATOR VELELLA: Those who are preparing for death and arranging their life insurance problems.

SENATOR SOLOMON: The reason I asked because it wasn't in the dictionary. Thank you.

SENATOR GOLD: Last section.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR VELELLA: When the dictionary fails, try the Bible.

SENATOR GOLD: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present.

SENATOR PRESENT: Call up 528, please.

ACTING PRESIDENT FARLEY: 528.

THE SECRETARY: Calendar Number 528, by member of the Assembly Seminerio, Assembly Bill Number 3952-B, an act to amend the Labor Law.

SENATOR GOLD: Last section.

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 52, nays 2, Senators Johnson and -

ACTING PRESIDENT FARLEY: And Daly.

THE SECRETARY: Ayes 51, nays 3, Senators Daly, Johnson and Kuhl recorded in the negative.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Senator Present.

SENATOR PRESENT: Call up Calendar 1444, please.

ACTING PRESIDENT FARLEY: 1444, Secretary will read.

THE SECRETARY: Calendar Number 1444, by Senator Mega, Senate Bill Number 5985-A, Uniform City Court Act.

SENATOR GOLD: Last section.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act -

SENATOR GOLD: Sorry. Senator Dollinger would like an explanation.

ACTING PRESIDENT FARLEY: Senator Dollinger would like an explanation.

SENATOR MEGA: Yes, Mr. President. This bill was introduced at the request of the uniform -- Unified Court System. It amends the Uniform City Court Act in relation to certain judges in the city courts outside of

the city of New York, and what it does is, it, for pension purposes, treats part-time city court judges as full-time judges.

Up until the present time, those part-time judges thought that their pensions were being designated or worked on as full-time, and what this does is to say that, yes, you are full-time judges for all those judges that are sitting up until April 1 of next year.

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 PRESENT: Call up Calendar 1582.

ACTING PRESIDENT FARLEY: Just a second, Senator Present. They're still counting.

SENATOR PRESENT: Oh, I'm sorry.

ACTING PRESIDENT FARLEY:

Results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1444 are Senators Daly, Dollinger, Galiber, Holland, Jones, LaValle, Libous, Masiello, Padavan, Pataki, Saland, Seward, Skelos, Stachowski and Volker. Ayes 39, nays 15.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR SEWARD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Seward.

SENATOR SEWARD: I would ask unanimous consent to be recorded in the negative on Calendar 528.

ACTING PRESIDENT FARLEY: 528, Senator Seward will be in the negative.

SENATOR SEWARD: Thank you.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. I ask unanimous consent to be recorded in the negative on Calendar Number 1581, please.

ACTING PRESIDENT FARLEY: 1581, Senator Kuhl will be in the negative.

SENATOR GALIBER: Mr. President.

ACTING PRESIDENT FARLEY: Yes.

SENATOR GALIBER: May I have unanimous consent to be recorded in the negative on Calendar 1324?

ACTING PRESIDENT FARLEY: 1324, Senator Galiber will be in the negative.

SENATOR GALIBER: Thank you, sir.

SENATOR COOK: Mr. President.

ACTING PRESIDENT FARLEY: Senator Cook.

SENATOR COOK: Can I be in the negative on the last bill, whatever that number was, 1444? 1444. Thank you.

ACTING PRESIDENT FARLEY: 1444, I think it was. Yeah, 1444.

SENATOR GALIBER: Yes, Mr. President.

ACTING PRESIDENT FARLEY: Senator Galiber.

SENATOR GALIBER: With your indulgence, sir, could you tell me how I was recorded on Calendar Number 1442?

ACTING PRESIDENT FARLEY: 1442.

SENATOR GALIBER: 1444?

ACTING PRESIDENT FARLEY: 1444, I think you meant.

SENATOR GALIBER: Yeah.

ACTING PRESIDENT FARLEY: You were in the negative.

SENATOR GALIBER: Could I be recorded yes on that?

ACTING PRESIDENT FARLEY: You can be recorded in the affirmative.

Senator Present, it's your turn.

SENATOR PRESENT: Calendar 1580, please.

ACTING PRESIDENT FARLEY: 158 - 80.

THE SECRETARY: Calendar Number 1580, by the Assembly Committee on Rules, Assembly Bill Number 8652, an act to amend the Public Health Law.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Yeah. Would Senator Saland be kind enough to yield to a question?

ACTING PRESIDENT FARLEY: I'm confident he will.

SENATOR GOLD: Senator, I raised an issue in Rules which I hope they made you aware of, and I think that the intent of the bill, Senator, is something which does not upset me or excite me.

As I understand it, you're amending those sections where we have banned - abandoned use of lead in certain children's toys so as to allow, in the words of this section, not to apply to miniatures which are lead containing reduced scale copies of real or fictional characters or objects, and I was told that this was to apply to basically high-priced items that collectors collect; it's not children's toys.

Am I on target so far?

SENATOR SALAND: Yes, correct, Senator.

SENATOR GOLD: All right. What I'm concerned about, Senator, is not what you want to do, which I can support, but the following problem: Your law which amends the law which would prohibit the use of this material for toys says, quote: "The provisions shall not apply to miniatures which are lead-containing reduced scale copies of real or fictional characters." Why could somebody not produce under this, then, a G.I. Joe Toys for Children which are obviously miniatures of fictional characters is and be in compliance with this section?

There is no requirement that the individual mark on it that it's a toy for children or whatever, but I mean it seems to me that this completely opens the door. If the language said that you would exclude items made for collection or by collectors or that are sold for no less than $50 or $40, something which -

which would take, you know, somehow define the collectibles better but, under this language, someone is back in the toy business, and I know that's not what you mean to do.

SENATOR SALAND: Senator, you are correct that it is not my intention nor the intention of the Assembly sponsor who drafted this language, I'm sure.

What -- what this attempts to address is basically the inequity that currently exists whereby there are no prohibitions whatsoever in terms of the catalogue distributors who are -- who have the ability to sell these types of items in New York State. They sell them by way of catalogue. It's virtually impossible to police. There are several producers in New York who are doing just that. They're producing this product. They find themselves under the existing law basically being forced to go out of business, and this is an endeavor to try and make sure that they don't have that market closed off to them.

If you're concerned with the

draftsmanship, I certainly would be more than happy to sit down with -- with Assemblywoman Hickey to see if we can accommodate some of your concerns. I don't believe this is painted as broadly as to basically open the flood gates, but I'm concerned that with the Commissioner promulgating regulations which are due to go into effect shortly, that these manufacturers who currently do business here in New York are going to find themselves shut down.

SENATOR GOLD: Well, if the Senator will yield to one question.

ACTING PRESIDENT FARLEY: Will you yield?

SENATOR GOLD: I don't want them shut down, and I want to help you and the Assemblywoman, and that's why I brought it up in Rules, but -- and I wouldn't normally -- I'm only going to spend another minute, but the language here says, and this is the whole bill, the provisions of the section shall not apply to miniatures which are lead-containing reduced scale copies of real or fictional characters or

objects.

What I don't understand, Senator, if we amend the toy section with this language, and tomorrow, I or anybody went into the business of manufacturing now miniature G.I. Joes why would I be prohibited under the other section since I've now made this amendment?

SENATOR SALAND: I have copies of both 1371 (a) and 1376. I don't have the entire title. I'm not quite sure what language exists in the other section, Senator. This merely deals with 1371 (a) and 1376 (a).

SENATOR GOLD: Yeah. Well, Senator, I have the section and all I'm saying to you, Senator Saland, it's up to you. I mean I -- you are an honest, honorable gentleman. What I would like to do, it's up to you. If you want to lay this a side until after dinner. If after dinner, you're happy with it, we can just take a vote on it.

I would really think that we are about to make a major mistake. I think this is going to open up the door because the language

that you're giving us is going to protect the people you want to protect, but absolutely will be a bar to enforcement against anyone who now creates these toys, because it says it. It says it. The section won't apply.

So if you have a lead toy that is not a miniature of an object, then the section will apply, so for those who now want to make all kinds of G.I. Joes, it can be all kinds of war characters or anything else, I believe this opens it up, and I know you don't want to do that.

SENATOR SALAND: Senator, what I will do is, I will take a look at the entire title. I will put this over until after the break and will be very happy to take it up with you after that.

SENATOR GOLD: I appreciate your courtesy. I know we're both on the same wave length. Thank you.

ACTING PRESIDENT FARLEY: Do you want to lay it aside?

SENATOR SALAND: Lay it aside.

ACTING PRESIDENT FARLEY: Lay the bill aside temporarily.

Senator Present.

SENATOR PRESENT: Mr. President, can we take up the active calendar on the Supplemental Calendar Number 1.

ACTING PRESIDENT FARLEY: Supplemental Calendar Number 1, which is on your desk, it's a Rules calendar.

SENATOR PRESENT: I'd like to take up the non-controversial bills and see how many we can move. I'd like to call a recess or stand at ease around 6:30.

ACTING PRESIDENT FARLEY: O.K. Sounds like a good idea.

THE SECRETARY: The first bill on the active list is on the regular calendar.

ACTING PRESIDENT FARLEY: The first bill on the active list is on the regular calendar. Secretary will read it.

THE SECRETARY: On page 17, Calendar Number 902, substituted earlier today, by member of the Assembly colman, Assembly Bill

Number 1250-A, Education Law, in relation to the profession of athletic training.

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 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Supplemental Calendar -- Supplemental Calendar Number 1, Calendar Number 1587, Senator Holland moves to discharge the Committee on Rules from Assembly Bill Number 3056-A and substitute it for the identical Third Reading 1587.

ACTING PRESIDENT FARLEY: Substitution is ordered. 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 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1588, Senator Kuhl moves to discharge the Committee on Rules from Assembly Bill Number 3257 and substitute it for the identical Third Reading 1588.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside. Substitution is ordered, though. We'll substitute the bill.

SENATOR PRESENT: All right.

ACTING PRESIDENT FARLEY: Then lay it aside.

THE SECRETARY: Calendar Number 1589, Senator Volker moves to discharge the Committee on Rules from Assembly Bill Number 6735 and substitute it for the identical Third Reading 1589.

ACTING PRESIDENT FARLEY: Substitution is ordered. 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 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1590, substituted -- Senator Volker moves to discharge the Committee on Rules from Assembly Bill Number 6888 and substitute it for the identical Third Reading 1590.

ACTING PRESIDENT FARLEY: Substitution ordered. 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 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1591, by Senator LaValle, Senate Bill Number -

SENATOR GOLD: Lay aside.

THE SECRETARY: 1540-A.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 1592.

SENATOR GOLD: Lay aside.

THE SECRETARY: Senator Johnson moves to discharge the Committee on Rules from Assembly Bill Number 7665-A and substitute it for the identical Third Reading 1592.

ACTING PRESIDENT FARLEY: Substitution ordered. Lay it aside. Is that right, Senator Gold?

SENATOR GOLD: Lay aside, please.

THE SECRETARY: Calendar Number 1593, Senator Velella moves to discharge the Committee on Rules from Assembly Bill Number

7777 and substitute it for the identical Calendar Number 1593.

ACTING PRESIDENT FARLEY: Substitution is ordered. 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 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1594, by Senator Spano, Senate Bill Number 4862-A, 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 51, nays 3, Senators Farley, Kuhl and Pataki recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1595, Senator Stafford moves to discharge the Committee on Rules from Assembly Bill Number 8617-A and substitute it for the identical Third Reading 1595.

ACTING PRESIDENT FARLEY: Substitution is ordered. Read the last section. I'm sorry.

THE SECRETARY: Section -

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

Would the negatives please raise your hand?

THE SECRETARY: In relation to Calendar Number 1595, ayes 51, nays 3, Senators Galiber, Gold and Leichter recorded in the

negative.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 1596, by Senator -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: 1596, laid aside.

THE SECRETARY: Calendar Number 1597, by Senator Daly, Senate Bill Number 5254-B, 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 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1598, Senator Hannon moves to discharge the

Committee on Rules from Assembly Bill Number 7871-A and substitute it for the identical Third Reading 1598.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Substitution is ordered. Lay the bill aside.

THE SECRETARY: Calendar Number 1599, Senator Mega moves to discharge the Committee on Rules from Assembly Bill Number 437-A and substitute it for the identical Third Reading 1599.

ACTING PRESIDENT FARLEY: Substitution is ordered. 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 GOLD: Never mind.

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1600, Senator Volker moves to discharge the Committee on Rules from Assembly Bill Number 8339-C and substitute it for the identical Third Reading 1600.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT FARLEY: Laid aside, just -- O.K. Substitution is ordered. Now lay the bill aside.

THE SECRETARY: Calendar Number 1602, Senator DeFrancisco moves to discharge the Committee on Rules from Assembly Bill Number 8623 and substitute is it for the identical Third Reading 1602.

ACTING PRESIDENT FARLEY: Substitution is ordered.

SENATOR GOLD: Last section.

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 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1604, by the Senate Committee on Rules, Senate Bill Number 6125, relation to authorizing an apportionment of state aid for certain salary expenses.

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 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1605, by the Senate Committee on Rules, Senate Bill Number 6137.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 1606, Senator Marino moves to discharge the Committee on Rules from Assembly Bill Number 8798 and substitute it for the identical Third Reading 1606.

ACTING PRESIDENT FARLEY: Substitution is ordered. 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 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1607, by Senator Tully, Senate Bill Number 6148, to provide for the payment allowances -

SENATOR STACHOWSKI: Lay aside.

ACTING PRESIDENT FARLEY: Is that a Senate bill? Laid aside.

THE SECRETARY: Calendar Number 1608, by the Senate Committee on Rules, Senate Bill Number 6151, an act to enact a petroleum over-charge -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Is that a sub? No? Lay it aside.

THE SECRETARY: Calendar Number 1609.

ACTING PRESIDENT FARLEY: That's high, so lay it aside.

THE SECRETARY: Calendar Number 1610, by the Senate Committee on Rules, Senate Bill Number 6159, Education Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 1611.

ACTING PRESIDENT FARLEY: Lay it aside. It's high.

THE SECRETARY: Calendar Number 1612, by Senator LaValle, Senate Bill Number 6163, Environmental Conservation 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 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1613.

ACTING PRESIDENT FARLEY: The bill is high. You can lay it aside.

THE SECRETARY: Calendar Number 1614.

ACTING PRESIDENT FARLEY: Bill is high. Laid aside.

THE SECRETARY: Calendar Number 1615.

ACTING PRESIDENT FARLEY: Bill is high.

THE SECRETARY: Senate -

ACTING PRESIDENT FARLEY: No. There's a sub. Go ahead.

THE SECRETARY: Senator Mendez moves to discharge the Committee on Rules from Assembly Bill Number 7605-A and substitute it for the identical Third Reading 1615.

ACTING PRESIDENT FARLEY: Substitution is ordered.

SENATOR GOLD: Last section.

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 53, nays one, Senator Pataki recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Also Senator Larkin in the negative.

ACTING PRESIDENT FARLEY: Senator Larkin.

SENATOR LARKIN: Mr. President, I'd like unanimous consent to be recorded in the negative on Calendar Number 1581, Print Number 611...

ACTING PRESIDENT FARLEY: 1581, Senator Larkin will be in the negative.

Senator Present.

SENATOR PRESENT: Mr. President, does the desk have any housekeeping they'd like to take care of?

ACTING PRESIDENT FARLEY: Is there any housekeeping, any motions, anything good for the order here?

Senator Sheffer.

SENATOR SHEFFER: Mr. President, I'd ask unanimous consent to be recorded in the negative on Calendar Number 1444, please.

ACTING PRESIDENT FARLEY: 1444, Senator Sheffer will be in the negative.

THE SECRETARY: On page 24 of today's calendar, Senator Daly moves to discharge the Committee on Rules from Assembly Bill Number 4774-C and substitute it for the identical Third Reading 1358.

ACTING PRESIDENT FARLEY: Substitution is ordered. Lay the bill aside.

Senator Present.

Senator Saland, did you have anything?

SENATOR PRESENT: Mr. President, the following bills, I'd ask they be recommitted: Senate Print 3954, by Senator Larkin, Calendar Number 358; Senate Number 6020, Rules Committee bill, Calendar 1406; and Senate Print 6045, by Senator Cook, 1408 Calendar Number.

ACTING PRESIDENT FARLEY: The bills are recommitted.

SENATOR PRESENT: Does Senator Wright have something?

ACTING PRESIDENT FARLEY: Senator Wright, do you have something?

SENATOR WRIGHT: Yes, Mr. President. I would ask unanimous consent to be recorded in the negative on Calendar Number 528, Calendar Number 1440 and Calendar Number 1594.

ACTING PRESIDENT FARLEY: Without objection.

Senator Daly, could I see you for a minute? I'm not going to make you take over.

Senator Present.

SENATOR PRESENT: And now, Mr. President, I move that we recess until 8:30, stand at ease until 8:30.

ACTING PRESIDENT FARLEY: Before I -- stand at ease, Senator Mega, do you have something?

SENATOR MEGA: Yes. Does that mean 8:30, 10:00 o'clock, 11:00 o'clock or midnight?

ACTING PRESIDENT FARLEY: That's up to the acting Majority Leader.

SENATOR MEGA: I guess we don't know. Thank you, Mr. President.

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: There will be a Rules Committee meeting in Room 332 at 8:30. I would hope that everybody would be accommodating and be back so we can start the session at 8:30 or soon thereafter.

ACTING PRESIDENT FARLEY: The Senate stands at ease. There will be -

SENATOR DALY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Daly.

SENATOR DALY: May I have unanimous consent to be voted in the negative on Calendar Number 1594?

ACTING PRESIDENT FARLEY: 1594, Senator Daly is in the negative.

The Senate will stand at ease. There will be a Rules Committee promptly at 8:30. We expect to be back in here at 8:30 promptly. Senate stands at ease.

(Whereupon at 6:35 p.m., the Senate stood at ease.)

...At 9:50 p.m....

THE PRESIDENT: Senator Present.

SENATOR PRESENT: Mr. President, can we return to a report of standing committees and receive that report?

THE PRESIDENT: Secretary will read.

THE SECRETARY: Senator Marino, from the Committee on Rules, reports the following bills directly for third reading:

Senate Bill Number 1031, by Senator Skelos, an act to amend the General Municipal Law;

1358-B, by Senator Jones, authorizing the town of Pittsford to discontinue as park lands certain lands;

2458, by Senator Nozzolio, Public Authorities Law;

3037-A, by Senator Daly, General City Law;

3783, by Senator Daly, amends Chapter 596 of the Laws of 1935;

4724-A, by Senator Johnson,

Executive Law;

4840-B, by Senator Velella, an act to amend the Tax Law;

5120-B, by Senator Nozzolio, an act to amend the Election Law;

5558, by Senator Mega, Election Law;

5673-A by Senator Tully, Public Health Law;

5906-A, by Senator Padavan, New York State Medical Care Facilities Finance Agency Act;

5950, by Senator Kuhl, Agriculture and Markets Law;

6035, by Senator Goodman, Public Buildings Law;

6103-A, by Senator Tully, Insurance Law;

6167, by the Committee on Rules, amends a chapter of the laws of 1993;

6170, by Senator Levy, Vehicle and Traffic Law;

6171, by the Committee on Rules,

Local Finance Law;

6178, Senate Budget Bill, amends Chapter 50 of the Laws of 1993;

6179, Senate Budget Bill, an act to amend the Education Law;

Assembly Bill Number 3446, by member of the Assembly Koppell, with a Senate Reprint Number of 21,002, an act to amend the Judiciary Law and the Executive Law;

2951, by -- Assembly Bill 2951, by member of the Assembly Singer, General Obligations Law;

Assembly Bill Number 8508-A, by the Assembly Committee on Rules, authorize the city of Mount Vernon to discontinue the use of certain city lands; and

Assembly Bill Number 8595, by the Assembly Committee on Rules, authorize the city of New York to continue the use of portions of Pelham Bay Park.

All bills reported directly for third reading.

THE PRESIDENT: Third reading.

Senator Bruno, do you have a motion?

SENATOR PRESENT: Would you recognize Senator Velella, please.

THE PRESIDENT: Senator Velella.

SENATOR VELELLA: Yes. I'd like to call up my Resolution 1982.

THE PRESIDENT: Secretary will read the title of the resolution.

THE SECRETARY: Legislative Resolution, by Senator Velella and other members of the Senate, memorializing the Congress of the United States and the members of the New York Congressional delegation to support passage of a national disaster mitigation and reinsurance program in the 103rd Congress.

SENATOR GOLD: Explanation.

SENATOR VELELLA: Yes. Well, this resolution is calling upon Congress to face a potential catastrophe that we have that might hit this state and many other states in the Union.

With the recent hurricanes and

blizzards, Hurricane Andrew, the recent blizzard that we went through and the natural catastrophes, and also with the prediction this year that hurricanes will be much more intense, that there is a prediction that we will have more this year hit our area, there is a problem with casualty insurers, the homeowners insurance, certain coverages about to be denied or are very difficult to obtain.

Thank you. I move the resolution, Mr. President.

THE PRESIDENT: On the resolution, all those in favor say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, I wish to call up my bill, Print Number 4601-A, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: Secretary will

read.

THE SECRETARY: By Senator Bruno, Senate Bill Number 4601, an act to amend the Economic Development Law.

SENATOR BRUNO: O.K. Mr. President, I now move to reconsider the vote by which this bill was passed.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 56.

SENATOR BRUNO: And, Mr. President, I offer up the following amendments.

THE PRESIDENT: Amendments received.

SENATOR BRUNO: Thank you.

THE PRESIDENT: Secretary will read.

THE SECRETARY: On page 22 of the regular calendar of today, Senator Stafford moves to discharge the Committee on Rules from Assembly Bill Number 1032-E and substitute it

for the identical Third Reading 1529.

THE PRESIDENT: Substitution ordered.

Senator Present.

SENATOR PRESENT: Mr. President, can we take up the controversial calendar on the Supplemental Calendar Number 1.

THE PRESIDENT: Secretary will read.

THE SECRETARY: Supplemental Calendar Number 1, Calendar Number 1588, substituted earlier today, by member of the Assembly Davidson, Assembly Bill Number 3257, an act to amend the General City Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

1591, by Senator LaValle, Senate Bill Number 1540-A, an act to amend the Education Law.

SENATOR PRESENT: Lay it aside temporarily.

THE PRESIDENT: Bill is laid aside.

THE SECRETARY: Calendar Number 1592, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 7665-A, Environmental Conservation Law.

SENATOR GOLD: Explanation.

THE PRESIDENT: Explanation has been requested.

SENATOR PRESENT: Lay it aside temporarily.

THE PRESIDENT: Bill is laid aside temporarily.

SENATOR PRESENT: Call back 1591.

THE PRESIDENT: 1591.

THE SECRETARY: On Supplemental Calendar Number 1, Calendar Number 1591, by Senator LaValle, Senate Bill Number 1540-A, an act to amend the Education Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1596, by Senator Sheffer, Senate Bill Number 5020, an act to amend the Labor Law and the Workers' Compensation Law.

SENATOR GOLD: Senator Sheffer here?

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

THE PRESIDENT: The bill is passed.

THE PRESIDENT: That was Senator

Sheffer's bill, Calendar Number 1596.

SENATOR SOLOMON: Mr. President, can we have that reconsidered please?

SENATOR GOLD: Which one is this?

SENATOR SOLOMON: 1596.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 56.

THE PRESIDENT: Senator Solomon.

SENATOR SOLOMON: Lay it aside, please.

THE PRESIDENT: We are on the controversial calendar.

SENATOR SOLOMON: Oh, O.K. Thank you. All right.

THE PRESIDENT: And there will be order in the chamber.

SENATOR SOLOMON: Mr. President, will the sponsor yield, please?

SENATOR SHEFFER: Sure.

SENATOR SOLOMON: Senator, this,

as I understand it, exempts additional people from Workers' Compensation coverage or the requirement that there be Workers' Compensation coverage?

SENATOR SHEFFER: Yeah, Senator, two major points.

One is, although it's a 12-page bill, literally 90 or 95 percent of it is simply switching the location in the law of statutes already in place, and the one operative section of the bill does provide for independent insurance agents and brokers almost precisely the same structure of being independent contractors as we passed for realtors several years ago.

SENATOR SOLOMON: Thank you. Senator, if you will yield.

SENATOR SHEFFER: Yeah.

SENATOR SOLOMON: Senator, a, quote, agent for Allstate, who I call a captive agent, you walk into their office, they work for one insurance company, is that person considered an independent contractor now?

SENATOR SHEFFER: I believe not under the provisions of this bill. They -- they would not meet the threshholds included within this bill for being independent contractors. In other words, it isn't a question of whether they work for Allstate or someone else, but that they would need to meet these standards of being separate or independent from the employer in order to come under the provisions of this bill.

SENATOR SOLOMON: O.K. Just one other question, Senator, if you will continue to yield.

SENATOR SHEFFER: Yes.

SENATOR SOLOMON: Senator, this isn't taking anyone else out. I assume, if someone works for an independent insurance agent or broker, they are still going to have to be covered by Workers' Compensation.

SENATOR SHEFFER: In a non-agent capacity, you mean?

SENATOR SOLOMON: Well, what happens -- no, let me give you an example.

Someone has an insurance brokerage company and they have an agent who works for them and he goes out and sells insurance and he works for that company.

SENATOR SHEFFER: Yes, does not change that relationship or their status at all, and what it really does is codifies the existing situation, the existing reality and the court cases that have come down as to that relationship.

SENATOR SOLOMON: O.K. So, Senator, if you will yield to one more question, this doesn't take anyone else out of Workers' Comp. except for that independent agent who's got his own business basically on an individual basis.

SENATOR SHEFFER: Exactly.

SENATOR SOLOMON: Thank you.

SENATOR PRESENT: Last section.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1598, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 7871-A, an act to amend the Public Authorities Law.

SENATOR GOLD: Got a "B" print on that?

SENATOR PRESENT: Lay aside.

THE PRESIDENT: Bill is laid aside.

THE SECRETARY: Calendar Number 1600, substituted earlier today.

SENATOR PRESENT: Lay it aside temporarily.

THE PRESIDENT: Bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1605, by the Senate Committee on Rules, Senate Bill Number 6137, Environmental Conservation Law and the Tax Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50....

SENATOR PATAKI: Mr. President.

THE PRESIDENT: Yes, Senator Pataki.

SENATOR PATAKI: To explain my vote. This bill -

THE PRESIDENT: Senator Pataki to explain -

SENATOR PATAKI: This bill would include the boroughs of the Bronx and Manhattan in the Hudson River Greenway which I think is an excellent idea.

I have to vote against this legislation, however, notwithstanding the tremendous effort that Senator Saland and others have made to make this a good bill because of two provisions: One providing that the City's Waterfront Revitalization Program would

automatically become the regional plan for that region, and the second is that the boroughs of the Bronx and Manhattan are under a different formula to provide assistance, financial assistance, to the Greenway than the other counties in the Greenway.

So I want to commend Senator Saland and the others, Senator Velella, for working on this legislation, but I feel constrained to vote in the negative, and I vote in the negative.

THE PRESIDENT: Senator Pataki votes no.

THE SECRETARY: Ayes 55, nays one, Senator Pataki recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1607, by Senator Tully, Senate Bill Number 6140-A, provide for the payment allowances to private blind and deaf schools for teachers' salaries.

SENATOR GOLD: Will you hold that

for a moment?

SENATOR PRESENT: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1608, by the Senate Committee on Rules, Senate Bill Number 6151, an act to enact the Petroleum Over-charge Restitution Act of 1993.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1610, by the Senate Committee on Rules, Senate Bill Number 6159, Education Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

THE PRESIDENT: The bill is passed.

That completes action on those bills that are not high that were on the controversial calendar, Supplemental Calendar Number 1.

Senator Cook is recognized.

SENATOR COOK: Mr. President, on Calendar Number 200, I've had an opportunity to review this bill more fully. I was recorded in the negative. I wish to be recorded in the affirmative, please.

THE PRESIDENT: Without objection, so ordered.

Senator Present.

SENATOR PRESENT: Mr. President, can we take up Calendar Number 1598.

THE PRESIDENT: 1598 on page 2 of Supplemental Calendar 1.

THE SECRETARY: Calendar Number

1598, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 7871 A, an act to amend the Public Authorities Law.

SENATOR GOLD: Could we have a brief explanation, please.

THE PRESIDENT: Senator Hannon.

SENATOR HANNON: There is added an annual 7-hour refresher course to the fire prevention training requirements for Triborough Bridge and Tunnel employees and added to the list of those employees that had been added to the statute in 1990 are sergeants and lieutenants.

SENATOR GOLD: Will the Senator yield to a question?

SENATOR HANNON: Yes.

THE PRESIDENT: Senator Gold.

SENATOR GOLD: I was just curious, Senator Hannon, where the bill comes from. I mean, who has requested it? I was told that the MTA opposes it, although I have no memo and if I have no memo, that sort of goes in one ear and out the other, but I was wondering -

SENATOR HANNON: This, correction, is Triborough, TBTA, not MTA.

SENATOR GOLD: All right, sorry, but where does it come from? I mean who -

SENATOR HANNON: Probably I would say because of the unions directly involved along with D.C. 37. The one memo I have in file is one in support.

SENATOR GOLD: And if the Senator will yield to a question. In other words, the unions want their employees to receive this training; is that it?

SENATOR HANNON: Well, as a practical matter, you know, you're on the other side of the bridges that are involved which would be the Throgs Neck and the Whitestone. When we have the very frequent traffic jams that occur, there -- the emergency vehicles cannot get to the point where the fires are taking place, and before we put the original statute in, there was -- these employees were really called upon as a matter of just human nature to try to deal with these fires, because no one

else could get to them. They were emergencies; people were in danger. So we put the original statute in.

It now comes up that given the nature of the safety laws and the equipment that's involved, that we should direct that there should be some training. Now, by the way, this training is to be done by the provisions of the existing statute at the New York City Fire Department Fire Academy.

So what we're trying to do is help people. If we didn't have the peculiar nature of these bridges with the toll and the toll booths and plazas the way they are, we wouldn't have to do this.

SENATOR GOLD: Last section.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

THE PRESIDENT: The bill is

passed.

Senator Present.

SENATOR PRESENT: Calendar 1592, please.

THE SECRETARY: Calendar Number 1592, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 7665-A, Environmental Conservation Law.

SENATOR GOLD: Can we get a brief explanation in a brief way?

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Mr. President, I've spoken before on this floor about the dire straits in which many of our fish are. One of the problems is that the fish come inside to spawn. Many times when they come along the shore, they're taken by trawlers that are within swimming distance of the beach.

The trying to get through the inlets is a tedious task because the trawlers are there circling around the inlets and catch them before they can get in to spawn. It's created major diminution in a lot of our

species.

What this bill does, Mr. President, is make the present prohibition of trawling to within a half mile of the beach to one mile of the beach, makes it a mile and a half off the Rockaway Inlet and off Fire Island Inlet and Jones Inlet for a period from January 1st to June 15th, the trawlers must stay two miles off the inlet and we think this is going to help a lot in maintaining the viability of the species and, essentially, it does a similar thing in the north shore bays in that the trawling line is moved east of Shelter Island instead of the west end of Shelter Island.

SENATOR GOLD: Mr. President - yes, Mr. President. Will Senator Johnson yield to a question?

THE PRESIDENT: Senator Gold.

SENATOR JOHNSON: Yes, Mr. President.

SENATOR GOLD: Senator, I notice that this is an "A" print and there was a list of official positions by the Department and on

the original print they say "opposed as drafted."

SENATOR JOHNSON: I'm sorry. What did they say?

SENATOR GOLD: They said "opposed as drafted."

SENATOR JOHNSON: Oh, really?

SENATOR GOLD: I was wondering whether the department helped with the "A" print.

SENATOR JOHNSON: Well, I think they haven't helped me with the "A" print because they haven't opposed it. Senator, I think this meets the requirements or recommendations of the DEC generally.

SENATOR GOLD: Thank you.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays one, Senator LaValle recorded in the negative.

THE PRESIDENT: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I would request unanimous consent to be recorded in the negative on Calendar Number 528.

THE PRESIDENT: Without objection, so ordered.

Senator Cook.

SENATOR COOK: Mr. President, would it be possible for me to be recorded in the negative on Calendar 1587?

THE PRESIDENT: Without objection, so ordered.

SENATOR COOK: Thank you.

SENATOR PATAKI: Mr. President.

THE PRESIDENT: Senator Pataki.

SENATOR PATAKI: I request unanimous consent to be recorded in the affirmative on 1605 by the Rules Committee.

THE PRESIDENT: Without objection, so ordered.

SENATOR PATAKI: Thank you.

SENATOR PRESENT: Mr. President.

THE PRESIDENT: Senator Present.

SENATOR PRESENT: Can we take up non-controversial on Supplemental Calendar Number 2.

THE PRESIDENT: Secretary will read.

THE SECRETARY: Supplemental Calendar Number 2, Calendar Number 1616, Senator Skelos moves to discharge the Committee on Rules from Assembly Bill Number 1530 and substitute it for the identical Third Reading 1616.

THE PRESIDENT: Substitution ordered. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58. Excuse me. Ayes 57, nays one, Senator Padavan recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1617, Senator Jones moves to discharge the Committee on Rules from Assembly Bill Number 2406-B and substitute it for the identical Third Reading 1617.

THE PRESIDENT: Substitution ordered. There is a home rule message at the desk. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar number 1618, by Senator Nozzolio, Senate Bill Number 2458, an act to amend the Public Authorities Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1619, Senator Daly moves to discharge the Committee on Rules from Assembly Bill Number 5139-A and substitute it for the identical Third Reading 1619.

THE PRESIDENT: Substitution ordered. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1620, Senator Daly moves to discharge the Committee on Rules from Assembly Bill Number 6222 and substitute it for the identical Third Reading 1620.

THE PRESIDENT: Substitution ordered. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1621, Senator -

SENATOR PRESENT: Bill is laid aside, please. Oh, yeah, we're going to do the sub first.

THE SECRETARY: Senator Johnson moves to discharge the Committee on Finance from Assembly Bill Number 6894-A and substitute it for the identical Third Reading 1621.

THE PRESIDENT: Substitution ordered, and the bill is laid aside.

THE SECRETARY: Calendar Number 1622, Senator Velella moves to discharge the Committee on Rules from Assembly Bill Number

5320-B and substitute it for the identical Third Reading 1622.

SENATOR STACHOWSKI: Lay aside.

THE PRESIDENT: Substitution ordered, and the bill is laid aside.

THE SECRETARY: Calendar Number 1623, Senator Nozzolio moves to discharge the Committee on Rules from Assembly Bill Number 7937-B and substitute it for the identical Third Reading 1623.

THE PRESIDENT: Substitution ordered. Last section.

THE SECRETARY: Section 2. This act shall -- the bill is laid aside.

SENATOR GOLD: Lay aside.

THE SECRETARY: Calendar Number 1624, Senator Mega moves to discharge the Committee on Rules from Assembly Bill Number 7878 and substitute it for the identical Third Reading 1624.

THE PRESIDENT: The bill is laid aside. The substitution is ordered and the bill is laid aside.

THE SECRETARY: Calendar Number 1625, Senator Tully moves to discharge the Committee on Rules from Assembly Bill Number 7105-C and substitute it for the identical Third Reading 1625.

THE PRESIDENT: Substitution ordered. Last section.

SENATOR STACHOWSKI: Lay aside.

THE PRESIDENT: Bill is laid aside.

THE SECRETARY: Calendar Number 1626, Senator Padavan moves to discharge the Committee on Rules from Assembly Bill Number 8507-A and substitute it for the identical Third Reading 1626.

THE PRESIDENT: Substitution ordered. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one, Senator Kuhl recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1627, Senator Kuhl moves to discharge the Committee on Rules from Assembly Bill Number 8567 and substitute it for the identical Third Reading 1627.

THE PRESIDENT: Substitution ordered. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays one, Senator Leichter recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1628, Senator Goodman moves to discharge the Committee on Rules from Assembly Bill Number 6860-A and substitute it for the identical Third Reading 1628.

THE PRESIDENT: Substitution

ordered. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -- those recorded in the negative on Calendar Number 1628 are Senators Hannon, Jones, Kuhl, Padavan and Pataki, also Senator Saland. Those recorded in the negative on Calendar Number 1628 are Senators DeFrancisco, Gold, Hannon, Jones, Kuhl, Larkin, Nozzolio, Padavan, Pataki, Saland, Stavisky, also Senator Mega, also Senator LaValle, also Senator Nolan, also Senator Farley, also Senator Sears.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1629, by Senator Tully, Senate Bill Number 6103-A, an act to amend the Insurance Law.

SENATOR PRESENT: Mr. President.

THE PRESIDENT: Senator Present.

SENATOR PRESENT: Is there a

message of necessity at the desk?

THE PRESIDENT: There is a message at the desk.

SENATOR PRESENT: I move we accept the message.

THE PRESIDENT: On the motion, all those in favor say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The ayes have it. The motion is agreed to. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays 3, Senators Daly, Spano and Velella recorded in the negative, also Senator Seward in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1630.

THE PRESIDENT: The bill is high. It will be laid aside.

THE SECRETARY: Calendar Number 1631.

THE PRESIDENT: The bill is high. It will be laid aside.

THE SECRETARY: Calendar Number 1632, Senator Marino moves to discharge the Committee on Rules from Assembly Bill Number 8809 and substitute it for the identical Third Reading 1632.

THE PRESIDENT: Substitution ordered. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1633, Senator Stafford moves to discharge the Committee on Finance from Assembly Bill Number

8834, and substitute it for the identical Third Reading 1633.

THE PRESIDENT: Substitution ordered. Last section.

SENATOR PRESENT: Mr. President, is there -- is there a message of necessity at the desk?

THE PRESIDENT: Oh, yes, there is.

SENATOR PRESENT: I move we accept the message.

THE PRESIDENT: On the motion, all those in favor say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is -- motion is agreed to. The message is accepted.

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1634, Senator Stafford moves to discharge the

Committee on Finance from Assembly Bill Number 8835 and substitute it for the identical Third Reading 1634.

THE PRESIDENT: Substitution ordered. There is a message at the desk.

SENATOR PRESENT: I move we accept the message.

THE PRESIDENT: On the motion, all those in favor say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The motion is agreed to. The message is accepted. Last section.

SENATOR LEICHTER: Lay aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1635, by member of the Assembly Koppell, Assembly Bill Number 3446, with a Senate Reprint of 21,002, an act to amend the Judiciary Law and the Executive Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1636.

SENATOR PRESENT: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1637, by the Assembly Committee on Rules, Assembly Bill Number 8508-A, city of Mount Vernon to discontinue the use of certain city lands.

THE PRESIDENT: There is a home rule message at the desk. Last section.

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

SENATOR STACHOWSKI: Lay aside.

THE PRESIDENT: Bill is laid

aside.

THE SECRETARY: Calendar Number 1638, by the Assembly Committee on Rules, Assembly Bill Number 8595.

THE PRESIDENT: There is a home rule message at the desk. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

SENATOR STACHOWSKI: Lay it aside.

THE PRESIDENT: Bill is laid aside.

That completes action on the non-controversial Supplemental Calendar 2.

Senator Present.

SENATOR JOHNSON: Return to motions and resolutions?

SENATOR PRESENT: Calendar 1633, please.

THE PRESIDENT: First, Senator Johnson.

SENATOR JOHNSON: Return to motions and resolutions.

SENATOR PRESENT: Take care of Senator Johnson's motion.

SENATOR JOHNSON: Mr. President, on page 24, I offer the following amendments to Calendar Number 1347, Senate Print Number 5947 B, ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR JOHNSON: Thank you.

THE PRESIDENT: Secretary will read.

THE SECRETARY: Calendar Number 1633, substituted earlier, Assembly Budget Bill, Assembly Bill Number 8834, an act to amend Chapter 50 of the Laws of 1993, enacting the State Operations Budget.

THE PRESIDENT: Last section.

SENATOR LEICHTER: No, Mr. President.

THE PRESIDENT: Senator Leichter.

THE PRESIDENT: Very difficult to understand when a Senator wants recognition when everyone is talking at once. Like to ask that there be order in the chamber.

Senator Leichter.

SENATOR LEICHTER: Mr. President, I wanted to ask Senator Daly a question in relation to this bill, if Senator Daly would yield, please.

THE PRESIDENT: The Senator will yield.

SENATOR LEICHTER: Senator Daly, on page 78 of the bill, there are some provisions relating -

SENATOR DALY: May I ask, Mr. President, what bill we're on.

THE PRESIDENT: This bill is the budget bill, Calendar Number 1633.

SENATOR DALY: M-m h-m-m. Is that 8834? What is the print number, 6179?

THE PRESIDENT: 6178.

SENATOR DALY: Yeah. What page?

SENATOR LEICHTER: 78, in

relation to the New York Urban Development Corporation.

SENATOR DALY: M-m h-m-m.

SENATOR LEICHTER: Yeah. Senator, and I don't mean to put you on the spot because I appreciate it's not your bill and, like me, you probably had five minutes to look at it, or I had five minutes because I was leafing through it, and you apparently just picked it up, but one thing that caught my attention was a provision relating to the Urban Development Corporation and the approval of its expenditures by the Public Authorities Control Board because that's a matter you and I discussed, and I think you and I share some of the same sentiments about the importance of closer monitoring over the Urban Development Corporation; and I see on lines 31 through 33, that the expenditures of funds from a particular fund that has been set up by the Legislature shall not be subject to review and approval by the Public Authorities Control Board.

You might have some comment on

that. I appreciate that it was not written by you, but I think it does deal with a matter that you and I, and I would hope other members would have some concern over, and that's the proper supervision and monitoring of the UDC by this Legislature.

SENATOR DALY: Senator, I agree with your analysis of that language. Knowing I'm going to conjecture based on -

SENATOR LEICHTER: Excuse me. Can't hear you, Senator.

SENATOR DALY: I'm going to conjecture based on things that occurred in the last couple of weeks, that this language that the Assembly insisted upon.

SENATOR LEICHTER: Well, shame on them.

SENATOR DALY: Senator, I couldn't agree with you more.

SENATOR LEICHTER: Well, let me also ask one other question, something that caught my eye.

SENATOR DALY: Mr. President, may

I add something while Senator Leichter is looking at the -

THE PRESIDENT: Senator Daly is recognized.

SENATOR DALY: If the Senator would yield.

Senator, would you agree that, after reading some of this language, at our insistence that the loan authority not be permanentized as the Assembly requested but be limited to a two-year extender?

SENATOR LEICHTER: I'm sorry, Senator. I didn't get that point.

SENATOR DALY: Basically in the bill we discussed yesterday where we extended the loan powers of the UDC for two years, the Assembly had requested that we permanentize that power. This house refused to permanentize that power and said we would only extend it for two years, and I'm asking you don't you believe that that was a good decision on the part of this house?

SENATOR LEICHTER: It was, sir.

SENATOR DALY: Thank you.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: Yes. If I - if I could just ask somebody, I don't know whether maybe the distinguished chairman of Finance.

SENATOR STAFFORD: Sorry, Senator.

SENATOR LEICHTER: Yes. Senator, again, we're in relation to the Urban Development Corporation. This has to do with the minority- and women-owned business development and lending program. It's on page 87, you'll see some language was added to the effect -- I'll read it. It starts on line 17: The corporation shall not be authorized to allocate more than 25 percent of the aggregate appropriation authority available for such program for grants to municipalities, public authorities and governmental agencies.

Do you know what the intent of that language is?

SENATOR STAFFORD: Would you read that again, please.

SENATOR LEICHTER: It starts on line 18. Maybe it's easier if you just read it to yourself.

SENATOR STAFFORD: Well, I -- it would appear to me that these are the -- this is a provision where it will make it possible for grants, which I'm sure all of us at times are very anxious to have in our districts throughout the state.

SENATOR LEICHTER: I understand. But why -- why this limitation of 25 percent in relation to aggregate amount of grants to municipalities, public authorities?

SENATOR STAFFORD: Well, I suppose they do -- I suppose there are grants to others other than -- there are other than municipalities, public authorities and governmental agencies. There are private sector projects that get some very substantial support from this agency.

SENATOR LEICHTER: Well, sir, I

think that's so, but I don't know why we thought it -

SENATOR STAFFORD: I think maybe it's the same if you read, if you read the -- or excuse me, I don't mean to ask you, but if one is to read, for instance, the law as far as the Power Authority is concerned, where there are various allocations to the private sector, public sectors, matter of fact to municipals and I think this is the same thing. I think they want to make sure at least 25 percent is made available, as you stated, to -- that's what it is, not more than, I'm sorry. Yes, I'm sorry, not more.

SENATOR LEICHTER: It's not more.

SENATOR STAFFORD: It's not more.

SENATOR LEICHTER: And that was my question, why we were doing that.

SENATOR STAFFORD: Well, it -- as I recall in the conference, the Assembly requested it and, frankly, it made good sense to

me. The -- this appropriation, I think, should be available to other projects and, according to this, we won't have more than 25 percent to these municipalities, public authorities and governmental agencies who probably, and I don't mean this as a criticism, but they no doubt would be, you know, right there, very interested in the appropriations.

SENATOR LEICHTER: Well! Senator, I accept what you say which is that this was asked for by the Assembly. I still don't understand why, but let me ask you.

SENATOR STAFFORD: Well, I do.

SENATOR LEICHTER: Excuse me?

SENATOR STAFFORD: I do, but that's all right.

SENATOR LEICHTER: I'm -- I'm sure you do, sir.

SENATOR STAFFORD: Right.

SENATOR LEICHTER: Let me -- let me ask you on page 95, and I guess all of this still relates to the Urban Development Corporation. I'm particularly concerned about

that agency. I think all of us ought to be concerned about what it's involved in, how it spends its monies, and so on.

SENATOR STAFFORD: You're exactly right.

SENATOR LEICHTER: And I see, at page 95, some language has been added which apparently is intended for a specific corporation, and I wonder what that corporation is, obviously to provide some assistance, refers to a not-for-profit corporation where such project involves the headquarters, or main office of such corporation and where such project will create a -

SENATOR STAFFORD: Well, I compliment the Governor and with Senate support, there are some major problems in the areas where IBM is located. It's tragic, it's disastrous, and also this is for those areas where there are closures.

SENATOR LEICHTER: Senator, with all due respect, I don't think that's the provision. I think you're referring to another

provision. Here's specific language, as I understand it, regional specific purpose for a not-for-profit corporation which is certainly not what IBM is. Lately it's been a not-much profit corporation.

SENATOR STAFFORD: Well, some joke about that, Franz, but there are many that aren't.

SENATOR LEICHTER: I understand. But here, Senator Stafford, obviously it's a specific corporation that we are authorizing UDC to provide monies to. Do you know which corporation that is? It's a not-for-profit corporation which involves the headquarters or main office of such corporation.

SENATOR STAFFORD: This is a regional revolving loan fund and, as you know as my summer Senator, I have a great deal of respect for you, and we'll always be friends, but I'm going to lecture you for just one second as you lecture us. You stand there and joke about IBM, whether it's profitable or not profitable. There are people that have worked

there 30, 40 years now, and they're out on the street.

SENATOR LEICHTER: Senator, nobody was joking about it. I must say I know the hour is late and maybe you didn't understand, Senator, but nobody made any jokes. For you the joke is, if there is one, sir, is that we're talking about a not-for-profit corporation in this bill, and you said IBM which is not a not-for-profit corporation.

Now, I don't think anybody joked about IBM as such or the loss of jobs, so I don't know, frankly, what it is you're express ing yourself on. Let me just -- let me just -

SENATOR STAFFORD: Well, could I explain what I was expressing myself on?

SENATOR LEICHTER: No, Senator, I thought it was totally inappropriate.

SENATOR STAFFORD: Well, can I explain to you why it isn't inappropriate?

SENATOR LEICHTER: Yes.

SENATOR STAFFORD: The reason why it isn't inappropriate or it is inappropriate is

we're talking about some projects here that people are down and out. You've got a situation up in the northern part of the state where we'll be losing 7500 jobs in your summer area.

SENATOR LEICHTER: Senator, what does that -

SENATOR STAFFORD: Let me explain it; I didn't interrupt you.

SENATOR LEICHTER: I don't think you're explaining, but please go ahead.

SENATOR STAFFORD: Trying to explain it. I didn't interrupted you.

Now, when I said -- and I know you can get a bit confused, there's two provisions here. I just want to share with you that when I said something about not-for-profit you sort of joked whether IBM was not-for-profit or not, that's what I heard. If I heard it wrong, I apologize.

SENATOR LEICHTER: Senator, I - Senator, I'll accept your apology, but let me just say, Senator, that I don't know where we got off on this track, and so on. I'm not

challenging this appropriation. I asked a perfectly appropriate question. You obviously misunderstood the section that we were referring to.

I asked you a simple question, which I'm going to repeat. There was no reason for you, sir, to -- to misunderstand it as you did or to express yourself as you did. Nobody's talking against economic development. We're trying to find out on a bill that was put on our desks a few minutes ago, where there's a provision -- excuse me for trying to understand it -- you're the chairman of Finance, and I ask you again, on page 95, line 42, there's a reference to a not-for-profit corporation.

Obviously, we are aiding a specific not-for-profit corporation that seems to have moved. I'd like to know if you know, and I think you should know, and I should be entitled to know, what that not-for-profit corporation is.

SENATOR STAFFORD: Well -

SENATOR LEICHTER: This seems to

be that we're giving money to some not-for-profit to move. We know that there have been various not-for-profits as well as for profits that have moved. I'd like to know which not-for-profit that is.

SENATOR STAFFORD: Well, I will get you the details on it. The way it appears to me -- the way it appears to me there's a not-for-profit corporation which is working in this area where IBM is and where these base closures are, and I think you'll find that that's what it's used for, but I will get you the exact details what it's for.

SENATOR LEICHTER: O.K. Let me just say, Senator, that I don't want to continue this discussion which, frankly, is not very fruitful. I don't believe that that particular section is even dealing with the base closings or other things, because that's on the -- on - in another section which is on page 95, which is fine.

I -- I just think that the debate if it could be characterized as such between

Senator Stafford and me, I guess, is a good example why maybe we shouldn't be having these -- these late night sessions after so many days of having -- of doing absolutely nothing and having bills that are of some significance put on our desks.

I think it is important that we understand what are in these bills. I don't intend to vote against it, although I have some objections to some of the provision about UDC and I'd like to, since I have a lot of questions about how UDC functions, to know exactly who it is helping. It may be fine, or I may have objections to it or it may be somebody else here will have objections to it, but that was the intent and purpose of my questions, and I think they were appropriate.

THE PRESIDENT: Last section.

SENATOR STAFFORD: In all due respect and courtesy, hold it, please, until we get the information; please hold the bill. Lay the bill aside.

THE PRESIDENT: The bill is laid

aside.

SENATOR PRESENT: Mr. President, temporarily laying that 1633 aside.

Can we call up 1634.

THE PRESIDENT: 1634.

THE SECRETARY: Calendar Number 1634, substituted earlier, Assembly Budget Bill, Assembly Bill Number 8835, an act to amend the Education Law, in relation to state aid to school districts.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

SENATOR DOLLINGER: What's the number?

THE PRESIDENT: This is 1634.

THE SECRETARY: Senator Dollinger in the negative.

THE PRESIDENT: Senator Dollinger is recorded in the negative.

SENATOR STAFFORD: Mr. President, we can call the bill back up.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: You want to call that bill back up, and I apologize.

THE PRESIDENT: Secretary will read.

SENATOR STAFFORD: Little edgy on these questions where we lost 7500 jobs, I'll tell you, pretty serious thing.

SENATOR PRESENT: 1633 is now before us.

THE PRESIDENT: 1633.

THE SECRETARY: Calendar Number 1633, substituted earlier today, Assembly Budget Bill 8834, amends Chapter 50 of the Laws of 1993.

SENATOR STAFFORD: The question was, on page 95, I pointed out that it was supporting -- it could support a not-for-profit

corporation which would be in these areas that are so hard hit when you could have like child care assistance and other support programs.

I would say, though, it is not just for IBM, or it isn't just for that area. It could technically be used in any area of the state for a not-for-profit corporation which would support these areas that are in real difficulty, and I might add, Mr. President, and again not to over-emphasize this, but when you start talking about Griffiss, mid-Hudson Valley or the Binghamton area, Plattsburgh, Homeport, we've got some very, very serious problems in this state, and I commend the Governor and the Assembly and the Senate for putting these possibilities together, whereby projects would be supported that are really needed.

THE PRESIDENT: Senator Padavan.

SENATOR PADAVAN: Senator, I wonder if I could ask you a question.

SENATOR STAFFORD: Sure.

SENATOR PADAVAN: I notice that one of the -- on page 180, which deals with

parole operations and the Division of Probation and Correction Alternatives, it would appear that there's an increase of some significance in that category which I'm delighted to see, but my question, if it's available to you and if it's not, certainly I don't need to know now but what portion of that increase would relate to the city of New York?

SENATOR STAFFORD: Approximately 8 million.

SENATOR PADAVAN: $8 million.

SENATOR STAFFORD: Of the 16.

SENATOR PADAVAN: Of the 16? Thank you very much.

SENATOR STAFFORD: Thank you. Last section, please.

THE PRESIDENT: Last section.

SENATOR VOLKER: Mr. President.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: You want to speak first?

SENATOR VOLKER: Mr. President, I would like to yield to Senator Spano. We both

have an issue that we'd like to refer to in this bill.

THE PRESIDENT: Senator Spano.

SENATOR SPANO: Yes, I would respectfully ask the Majority Leader if we can lay this bill aside for a while until we can check on some unresolved issues in certain sections of the mental health budget.

THE PRESIDENT: Senator Present.

SENATOR PRESENT: We'll lay this bill aside temporarily.

THE PRESIDENT: The bill is laid aside.

SENATOR PRESENT: Can we call up 1600, please?

THE PRESIDENT: 1600. That's on Supplemental Calendar 1.

THE SECRETARY: Calendar Number 1600, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 8339-C, an act to amend the Vehicle and Traffic Law.

SENATOR STACHOWSKI: Explanation.

THE PRESIDENT: Last section.

SENATOR STACHOWSKI: No, explanation.

THE PRESIDENT: Oh, explanation is requested. Senator Volker.

SENATOR VOLKER: Mr. President.

THE PRESIDENT: There will be order in the chamber.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: Mr. President, I recall, I think, Senator Galiber may have a question.

This is the aggravated unlicensed operator bill, which was agreed on between the Assembly and the Senate and the Governor relating to a series of problems across the state, and particularly in New York City, in regards to people who have been driving and have a series of summonses, and so forth, for unlicensed operation.

As a result of numerous problems, particularly in the city of New York, the two Codes Committees of the Senate and Assembly held

hearings in the City, and this bill which was issued by the city of New York and has been amended during the negotiations, represents the basis for that negotiation.

The primary issue here is back, I believe in 1986, if my recollection is correct, we changed the law here that made driving with out a license a violation rather than a crime as it was previous to that, a misdemeanor. As a result, those -- those violations went to, rather than to criminal court were entered into motor vehicle violation bureaus in New York City and in the cities upstate.

What has happened is that some people, because of the fact that it was not a crime, have obtained hundreds of summonses for unlicensed operation or for suspended licenses and have just failed to appear. The result has been chaos in certain cases.

What this bill does is, in effect, to recriminalize unlicensed operation, and what it provides is that, if you have a previous arrest for driving with a suspended

license and you are once again picked up, then it is a misdemeanor. You are arrested and it's a misdemeanor. You can be charged with a mis demeanor and be taken into criminal court. Car can be towed. If you do it -- aggravated unlicensed operation, as I say, in the second degree is a misdemeanor, and if you operate with ten or more suspensions, then it can be a Class E felony.

There are a number of provisions in here relating to forfeiture, but the forfeiture is only where a person has been charged with ten or more suspensions, and they are apprehended driving the car. At that time, the car actually can be forfeited, in other words, can be picked up, not only towed away but actually can be forfeited to the authorities.

ACTING PRESIDENT LACK: Senator Waldon.

SENATOR WALDON: Mr. President, Would Senator Volker allow me to ask a question?

SENATOR VOLKER: Certainly, sure.

ACTING PRESIDENT LACK: Senator Waldon.

SENATOR WALDON: Senator, under this bill, when someone has committed the triggering violation the second time -

SENATOR VOLKER: M-m h-m-m.

SENATOR WALDON: -- is that a photographable, fingerprintable misdemeanor?

SENATOR VOLKER: No. No, it's not.

SENATOR WALDON: Clearly the Class I felony would be.

SENATOR VOLKER: The felony would be, but not the misdemeanor.

SENATOR WALDON: So -

SENATOR VOLKER: Traffic -- if I might just, traffic misdemeanors are not finger printed and photographed.

SENATOR WALDON: I understand that, Senator. I'm trying to make a point. Is there no way that we can run a regular check automatically for people who create this violation, because someone who is so remiss as

to drive time and time again with a suspended license to me, is indicating a mind set which borders on other kinds of criminality and it concerns me greatly. Maybe we ought to consider doing something like that as an automatic position in the bill.

SENATOR VOLKER: Well, Senator, you don't need the fingerprinting. The date of birth and all the information is fed into the computer. Of course, one of the problems here that came up at the hearing is the issue of how we handle these things through Motor Vehicles, and I think as Assemblyman Lentol and myself pointed out, there needs to be a better procedure, I think particularly in New York City, to deal with some of these violations and one of the things that we are trying to do is to make sure that that occurs.

Now, as I said, if repetitive violations, then a felony would occur and at that time, not only would you be brought in and could you forfeit your car, but you would also, of course, be arrested for a felony and

automatically have your picture taken, and so forth.

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

ACTING PRESIDENT LACK: Last section.

Excuse me, Senator Galiber.

SENATOR GALIBER: Senator Volker, these suspensions that you make reference to, and I know that you've had hearings.

SENATOR VOLKER: Right.

SENATOR GALIBER: You've mentioned a couple times, but the suspensions that you make reference to, sometimes we find that if you do not answer a ticket, some instances even parking violations -

SENATOR VOLKER: Right.

SENATOR GALIBER: -- that you can have, if you check through your computer there lies the suspension. There is -- it's conceivable that if you don't answer a number of traffic infractions that you could be put in this category, is it possible with those types

of suspension, that they could forfeit your vehicle?

SENATOR VOLKER: The only way - yeah, that's true, but you would have to have ten, ten or more, and that's the reason, by the way, in fact, some of the media people in their zeal were telling us that some states you can forfeit vehicles after one or two violations, but, frankly, what they were talking about was not forfeiture, they were talking about towing vehicles. You can tow a vehicle now if you're arrested the first time on a -- for a misdemeanor, but that doesn't mean you forfeit it.

There is a difference between towing the vehicle and the person having to get it back, and actually forfeiting it, and you're right there, Senator, that's why this -- this legislation provides that you must have ten or more suspensions before a forfeiture can be considered.

SENATOR GALIBER: Senator, let me try to bring in the real world, in terms of the

city of New York. Buffalo is pretty close to the real world also, but I'm not quite sure the congestion that exists in the city of New York is the same as it is in Buffalo.

SENATOR VOLKER: Not quite, Senator.

SENATOR GALIBER: We have gotten a sort of unwritten law or rule in the city of New York where, before 11:00 o'clock, people double park their cars, and certainly double parking your car is an infraction and subject to a possible suspension here.

Every now and then we've got someone who wants to raise a little more money in the city of New York may send out an informal directive, and that is to ticket all the cars in the block. It's conceivable with the parking situation in the city of New York -- you're shaking your head. Let me stop, because if you're shaking your head.

SENATOR VOLKER: Senator, yeah, I think you have to distinguish here between a moving violation. Parking violation is not a

moving violation; it is an infaction. The only result of multiple parking tickets would be when you go in to get your registration, you can't register, but it does not trip a suspension of your driver's license. The only thing that trips a suspension of your driver's license are moving violations.

SENATOR GALIBER: No, no, no, oh, no, that's not so. If you do not have, we can check it out, I don't want to be right or wrong and I'm sure you would like to, but if you don't answer some of these parking violations, those tickets that are stuck on your car for double parking and, if you don't respond, there's a list of suspensions out there, you can be subject to the suspension of your license if you don't respond and a lot of cases that we -

SENATOR VOLKER: My counsel is informing me that that's not correct, Senator. He is informing me that the reason for that is that the driver's license can't be suspended because, if it's a truck or whatever, there is a question as to who was driving the vehicle and,

therefore, that's why it goes to the registration.

The parking offenses deny you the right to go back and get a new registration, but not necessarily a driver's license.

SENATOR GALIBER: O.K. Let me try again. Your counsel is saying to you that a parking violation, I agree nobody has to show a registration to get a parking ticket, that if you do not pay those tickets that there is no recordation anywhere of the suspension or of your neglect to do this, but the only time, the only time that there's a possible suspension of your license is when there is a moving violation.

SENATOR VOLKER: I think, Senator, the only other -- let me just say what I think; in other words, the fact that you have multiple parking summonses does not trip a suspension of your driver's license except it just dawned on me, if you go to renew your license then, and you -- you fill in the card, you're supposed to write on the license, and if

the -- if the computers catch the fact that you have multiple parking summonses, it's very possible that your license may be blocked, but as far as actually suspending the license, in other words when it's actually in your possession, as I understand it, for a non moving violation that does not occur. It only occurs for moving violations.

SENATOR GALIBER: O.K. Let me ask you maybe a different approach to it. Are you suggesting -- are you telling us, not suggesting to us, that in those categories of suspensions when we hear the horror stories that someone is driving with a suspended license, 10, 15, 20 times -

SENATOR VOLKER: Yes.

ACTING PRESIDENT LACK: Excuse me, Senator Galiber, could you please address the chair and use your microphone. The stenographer is having problems picking your voice up.

SENATOR GALIBER: Are you really having trouble or is he putting me on? Thank

you, Mr. President.

ACTING PRESIDENT LACK: As unused to public speaking as we know you are.

SENATOR GALIBER: Thank you, Mr. President.

O.K. Let me try again. Senator, when we hear of these horror stories of suspensions, are you saying to us that there is no other reason for the suspension than a moving violation which might mean passing a red light, someone saying you didn't stop at the intersection, or numerous other violations which might be misdemeanors or such?

SENATOR VOLKER: That's right, Senator.

SENATOR GALIBER: And if a person doesn't stop at a stop sign or a -- some other moving violation -

SENATOR VOLKER: Red light.

SENATOR GALIBER: Minor category, not doing 90 miles an hour on a street in the city of New York, that under this piece of legislation that falls in the category, you're

going to take that person's vehicle away from him or her?

SENATOR VOLKER: If they ignore the tickets and they then get suspensions, that's true, but what the difference, though, I think, and what we're talking about, Senator is, that remember that parking summonses are a city, a city fun ction. The city has no authority in itself to take away licenses. The city -- the city can report to the Motor Vehicle Bureau, but they can not take or suspend licenses. The authority to suspend licenses comes from the state of New York, and it is because of moving violations, failure to comply with those rules, failure to comply or appear as far as moving violations are concerned.

SENATOR GALIBER: O.K. Thank you, Senator.

ACTING PRESIDENT LACK: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

Will Senator Volker yield to a

question?

ACTING PRESIDENT LACK: Senator, will you yield? Senator will yield.

Senator Dollinger.

SENATOR DOLLINGER: This is a good bill and does a lot of good things. I just want to make sure I understand a couple components of it.

What happens in the event that, through no fault of their own, the driver misses suspension notices? Frankly, in my practice the 19-, 20-year-old comes in and says, "I've moved several times; my apartment has been shuffled. I didn't have forwarding addresses," and they end up with -- without having had real prior notice. Frankly, in my own practice, I've had some doubts about whether that's true, but that is the story they come in and tell you anyway.

SENATOR VOLKER: Well, Senator, what you're referring to is, if you're driving a car, and you are picked up and your license is merely -- your license merely expires,is that it?

SENATOR DOLLINGER: Or there's a notice of violation and they don't respond to it and then there's a subsequent summons sent and they don't respond to that, and they're constantly moving.

SENATOR VOLKER: Your license is suspended and then, if you're picked up, then you're subject to a charge of aggravated unlicensed operation, which is a misdemeanor.

SENATOR DOLLINGER: And that's new under this bill?

SENATOR VOLKER: That's right.

SENATOR DOLLINGER: What happens if someone, for example, people will at times pay their violations with a check, the check bounces and that consequences -- that constitutes a default which issues the summons again; what happens in that instance?

SENATOR VOLKER: Not only issues the summons, but you're also subject to other penalties also. If you don't pay the fine, Senator, you are subject to a suspension and, if you're picked up for a subsequent -- if you're

driving in the car and you're picked up for a subsequent violation, you could be charged with aggravated unlicensed operation as a misdemeanor.

It's -- the way it was, by the way before, previous to this, right now if that happened, you could be charged with driving without a license, and it would not be a misdemeanor, but now it would be a misdemeanor.

SENATOR DOLLINGER: So we've upped that penalty from violation to misdemeanor?

SENATOR VOLKER: Exactly.

SENATOR DOLLINGER: Is there any provision in here that provides a check on that kind of situation? Is there anything that says if there are extenuating circumstances, the person can -

SENATOR VOLKER: Senator, let me point out to you, we're now going into court with these misdemeanors. No longer do they go to the motor vehicle adjudication bureaus, so those are the kinds of things that would be

heard by a judge. Just as they were before, by the way.

SENATOR DOLLINGER: But they were violations before.

SENATOR VOLKER: 1986, I believe it was; that's the way it was condition before but you and I both know, if there were circumstances that said that the person may have had a problem or whatever, then that would be up to the local authorities in this case or some cases, I suppose, because it's a crime the D.A. would be involved or the local prosecutor or whatever, and would -- might recommend a reduction to a violation or whatever, which could be done, but technically speaking they are picked up for a -- for a misdemeanor.

SENATOR DOLLINGER: O.K. The second question and one of the things, and it really ties in with one of the other things that we've talked about here. Senator Goodman's proposal to put the little red light runners, protectors, on the lights in New York City. I guess my question is, if we get to that stage,

those would all be moving violations, you wouldn't be stopped, you wouldn't be issued a ticket, you'd get something in the mail at some subsequent time that says, We took a picture of you running your red light because of this little birddog device perched up on top of the red light. If we get to that stage, what happens with those kinds of things? I'm just trying to tie it in with what we've done here in the last week.

SENATOR VOLKER: Senator, I really don't know. I -- I have -- I think we'll deal with that when it comes. I'm not exactly sure how you would do that, to tell you the truth.

SENATOR DOLLINGER: Well, I'm not sure either. That's why -

SENATOR VOLKER: I have some questions about that, but I suppose we'd have to deal with it when the time comes but that doesn't -- that's not really covered by this bill; I have to tell you that.

SENATOR DOLLINGER: Well, I'm

just trying to tie it with something we've done.

Just one final question, Mr. President. On the -- on the seizure/forfeiture portion of the bill -

SENATOR VOLKER: Yes.

SENATOR DOLLINGER: -- is there notice to the owner of the vehicle? I mean I loan my vehicle to my brother, and he drives and so the vehicle that's actually seized is mine but I'm the technical owner. Do I get notice so that we avoid any constitutional problem before the forfeiture?

SENATOR VOLKER: One of the reas ons that we took a little time in negotiating the bill is to make sure that the procedure was followed, and there is notice provisions within 24 hours, and also, by the way, if there's a lien on the car, that was one of the issues that has to be -- it is still in effect and by a bank or whatever, and it has to be relieved and all that sort of thing, and, by the way, we even went so far as to check the latest forfeiture

case which has just been heard by the Supreme Court of the United States, yeah, the Supreme Court to make sure we complied with all the rules that are in that case which are much tougher, and the old saying, Mr. President, it's in here.

SENATOR DOLLINGER: Well, Mr. President, that's what triggered my inquiry.

SENATOR VOLKER: I understand.

SENATOR DOLLINGER: We were talking about a forfeiture, turning a seizure into a forfeiture, that notice provision becomes critical.

SENATOR VOLKER: Yeah. Frankly, one of the things that delayed this process a little bit was that there was some additional - some additional work done to check that case and to make sure that we didn't pass a law and then find out just after we passed it that there was a problem with a case that just got heard by the Supreme Court of the United States.

SENATOR DOLLINGER: Mr. President, just briefly on the bill, I will

support this bill. I think this bill moves in the right direction.

I commend the chairman of the Codes Committee for pushing it forward and working out a deal with the Assembly on this because I think this is a bill that accomplishes an awful lot and attacks a real significant problem in the city of New York and, frankly, in the city of Rochester as well.

ACTING PRESIDENT LACK: Senator Volker.

SENATOR VOLKER: Mr. President, while I think of it, I also want to thank all the people that worked on this bill, and there was considerable, because of the -- because of the considerable publicity in the city of New York, some of the newspaper articles, frankly, I think bordered on hysteria, but I think there was a lot of people that cooperated and particularly, I think, Senator Levy, who, chairman of Transportation in this house who was extremely cooperative on an issue that kind of overlapped the jurisdiction of my committee and

he was very gracious, and his people were very cooperative, and I wanted to put that on the record because I think it's very important.

ACTING PRESIDENT LACK: Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, just briefly on the bill. I'm glad that Senator Volker sponsored this bill. It came to my attention from the Buffalo police that this has become a major problem for them, recurring drivers with licenses that are suspended and nothing they could do about it, and these people continue to drive and they have a long list of moving violations and they said it's a real problem and they were looking for somebody to do something to address this, because in the Traffic Violations Bureau they didn't have any recourse on what to do about this because they'd just give them another driving without a license violation and they'd continue to drive.

So I'm standing to support the bill, and I'm glad Senator Volker brought this

bill forward.

ACTING PRESIDENT LACK: Last section.

THE SECRETARY: Section 13. This act shall take effect on the first day of November.

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT LACK: The bill is passed.

Senator Present. Senator Present.

SENATOR PRESENT: Can we go regular order starting with Calendar 1621.

ACTING PRESIDENT LACK: Regular order beginning with Calendar 1621 on Supplemental Calendar Number 2, page 1.

Secretary will read.

THE SECRETARY: Calendar Number 1621, substituted earlier today, by member of the Assembly Harenberg, Assembly Bill Number

6894-A, an act to amend the Executive Law.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT LACK: Senator Leichter.

SENATOR LEICHTER: Yes, would Senator Johnson yield, please?

ACTING PRESIDENT LACK: Senator, would you yield?

Senator will yield.

SENATOR JOHNSON: Yes, Mr. President.

SENATOR LEICHTER: Senator, this bill, as I recollect as I'm trying to locate it, provides or directs or mandates, if you will, a program to train police officers and others in how to assist elderly people with their security needs; is that a fair representation?

SENATOR JOHNSON: Well, not - not precisely. It really refers to the ability of the training officers who have the ability to recognize senior abuse when they come upon it,

and to take proper action at that time, and to be able to provide some advice about how seniors can get help with a particular problem, and so forth.

SENATOR LEICHTER: Senator Johnson, if you would be so good as to continue to yield. And you direct the division of the aging, I believe is together -- or the state Office of the Aging together with the Division of the State Police to work up a program for that sensitivity training of police officers, State Police officers, is that right?

SENATOR JOHNSON: That's more or less it, Senator.

SENATOR LEICHTER: Well, Senator, I think of that's a laudable goal. Let me tell you what concerns me, though, and that is that no money is provided and, when I look at the fiscal implication in your memorandum, I see costs shall be covered by existing appropria tions to affected agencies for such purpose.

Now, Senator, can you tell me whether there is any appropriation specifically

to either the Division of the State Police or the Office of the Aging to run this particular program?

SENATOR JOHNSON: Senator, the Assembly sponsor who developed this bill assured me that, within the training budget of the Municipal Police Training Council there is money for training, and this would just be another course they give.

SENATOR LEICHTER: Well, Mr. President.

ACTING PRESIDENT LACK: Senator Leichter.

SENATOR LEICHTER: Yes, Mr. President, just very briefly on the bill.

Obviously, this is a good bill but I think that it would be a better bill and, frankly, Senator, a more honest bill if it provided some money because then I think it would be much more likely to achieve the very laudable goals that you have in mind.

I mean I think it's obvious that this is a program that would require money.

You'd want people who would give instructions. You'd want State Police officers, other police officers to spend time going to courses while they're doing this; somebody else may have to take over their function or role or their duties. We'd have to pay that person, maybe have to pay overtime. There clearly is going to be costs associated with this program and, if it's a good program, we ought to pay for it, and I find it unfortunate that we're unwilling to provide the monies for these programs.

Senator, you just can't do these things and expect that somehow or other the money is going to be found, or it's going to appear or there's going to be some magic. That's why, in reference to another bill of yours, I talked about monopoly money or phony money, and I think in some respects we have the same thing here.

Let's put some money behind what is a good program. You wouldn't have to be embarrassed before your constituents if you said I provided monies for this sort of a program,

but to provide the program without the money means that it's going to be a very poor program and that's unfortunate, because it's a good idea that you have.

SENATOR JOHNSON: Senator, I might respond by saying that it's not contemplated that every officer will be required to take this course. This is something for officers whose particular duty would be to deal with crimes against the elderly, and they would develop the expertise through this training and certification program and, yes, it is alleged that there is money in the training program to cover this. People would be taking these courses and other courses, but essentially this course would be able to be funded in the budget ary allotments that are there for those officers who would be required to take this course.

ACTING PRESIDENT LACK: Last section.

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

ACTING PRESIDENT LACK: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT LACK: The bill is passed.

Before the Secretary goes on for the next bill, as many of you might have noticed there is a problem with the air conditioning and the lights. It's affecting not only the Senate but the Assembly, the Capitol building in general and Albany in general as well. We're going to attempt, apologies to the New York Cablevision up in the gallery, we're on television lights and this gallery has been for several years. We're going to attempt to lower the lighting to general lighting, taking away the TV lights. If that proves to be too low to do business, we'll find out in a moment but in any event, we'll try to lower the -- lower the lighting to what used to be called general lighting, and see if we can operate considering that the air conditioning isn't working very well.

Secretary will continue to read.

THE SECRETARY: Calendar Number 1622, substituted earlier today, by member of the Assembly Friedman, Assembly Bill Number 5320-B, an act to amend the Tax Law.

ACTING PRESIDENT LACK: Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT LACK: The bill is passed.

THE SECRETARY: Calendar Number 1623, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 7937-B, an act to amend the Election Law.

SENATOR ESPADA: Explanation.

ACTING PRESIDENT LACK: Who requested the explanation?

SENATOR DOLLINGER: Senator

Espada.

ACTING PRESIDENT LACK: Senator Nozzolio, Senator Espada requested an explanation.

SENATOR NOZZOLIO: Yes, thank you, Mr. President.

Yes, this bill is an effort to change current law to make it easier for people to register to vote by changing the language required at voter registration to make it, what we'd like to label more plain language.

The affidavit language is changed to make it apparent to the applicant who seeks to register to vote that they have to attest to certain things, of which are as follows: That they are a citizen of the United States, that they have lived in the county, city or village for at least 30 days prior to the election and that they meet all the election requirements of registration in New York State; also that they are signing this application for voter registration in their own hand and that, should they make any false statements of fact, that

they would, in fact, be subjected to penalties for perjury.

ACTING PRESIDENT LACK: Senator Espada.

SENATOR ESPADA: Mr. President, on the bill.

New York State has one of the lowest voter participation rates in the United States of America. In my view, we should be extending suffrage rights to immigrants, particularly legal permanent residents who work, pay taxes and enrich our communities in all of our cities throughout this great state. Instead of focusing our energies on punitive measures, measures that, in essence and in practicality, decrease the voters in this state as this measure does, we should be broadening the voter base. We should be expanding upon the meaning of what it is to be a, quote, "citizen of the state," end of quote.

We have had a tradition in this country that goes way back when we did allow immigrants new to our shores to participate. We

have had a climate of fostering a tradition of voting in these communities as is presently done in school board elections in New York City where a 20 percent of the immigrant population make up the total voting participation in those elections.

So this fails to expand the vote... the base of voters. It also goes in the wrong direction. I think we've had ample opportunity during this session to really bring real meaningful change in electoral reform. I've asked my colleague to involve me in that, in a cooperative way. That has not happened. Again, this goes in the wrong direction and we urge its defeat.

ACTING PRESIDENT LACK: Last section.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT LACK: Sorry. Senator Dollinger.

SENATOR DOLLINGER: I'll be brief, Mr. President.

I share Senator Espada's concerns. However, I'm going to vote in favor of this bill, as I did with the last bill. I think its one of those itsy-bitsy teeny-weeny tiny-winy steps on the road to election reform. There are so many other big things, and Senator Espada mentioned them, that we have to do - ballot access, implement "motor voter", do a bunch of things, campaign financing reforms, campaign finance limitations.

I hope that that giant step that I talked about, that big step that I talked about, that we would take to actually embark upon true election and true ballot access reform that we'll be prepared to take that if not at the end of this session then, please, in the next one.

I'll vote in favor, Mr. President.

ACTING PRESIDENT LACK: Read the last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LACK: Negatives keep their hands up, please, particularly in the subdued lighting.

THE SECRETARY: Those recorded in the negative on Calendar Number 1623 are Senators Espada, Galiber, Gonzalez, Leichter, Montgomery and Waldon. Ayes 52, nays 6.

ACTING PRESIDENT LACK: The bill is passed.

THE SECRETARY: Calendar Number 1624, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 7878, an act to amend the Election Law.

ACTING PRESIDENT LACK: Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT LACK: The bill is passed.

Senator Jones and Dollinger in the negative, please, on the last bill.

Senator Present.

SENATOR PRESENT: Did you just take up 1624?

ACTING PRESIDENT LACK: Yes.

SENATOR PRESENT: Can we reconsider the vote by which it passed, please?

ACTING PRESIDENT LACK: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT LACK: The bill is before the house, Senator.

SENATOR PRESENT: Lay it aside, please.

ACTING PRESIDENT LACK: Bill is laid aside.

Regular order.

THE SECRETARY: Calendar Number 1625, substituted earlier today, by member of the Assembly Grannis, Assembly Bill Number 7105-C, Public Health Law and the General Business Law.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT LACK: Senator Tully, Senator Stachowski has requested an explanation.

SENATOR TULLY: Thank you, Mr. President.

This bill amends the Public Health Law and the General Business Law to afford more protection against the misuse of pre-need funeral monies. This bill passed earlier in the week in the Assembly by a vote of 116 to 27. It's a departmental bill, and it has three-way agreement.

ACTING PRESIDENT LACK: Senator Stavisky.

SENATOR STAVISKY: Mr. President, will the sponsor yield for a question?

ACTING PRESIDENT LACK: Senator, will you yield?

SENATOR TULLY: Yes, Mr. President.

ACTING PRESIDENT LACK: Senator Stavisky.

SENATOR STAVISKY: Mr. Tully, in certain religions, especially in the Orthodox Jewish community, there is need for accurate information on burial requirements because there is the need for the funeral to take place very swiftly after the death. Are you aware of that?

SENATOR TULLY: Yes, I am, Mr. President.

SENATOR STAVISKY: Senator Tully, does this legislation have any provision for a central registry and information registry where a funeral director or a family could call a hot line, an 800 number in order to determine whether there were any specific arrangements that had been made? Is there such a registry provided for in this legislation?

SENATOR TULLY: Mr. President,

the answer to that question is no. It was put on the table and taken off the table, and we were unable to get agreement on that particular provision.

SENATOR STAVISKY: Would it not be a stronger bill, a more effective bill, if that provision were incorporated in the legislation for the reasons that I've stated?

SENATOR TULLY: Mr. President, obviously, we thought it was something that should be incorporated in the bill, or we wouldn't have advanced it. Unfortunately, as I said, we could not get agreement on that particular portion of the bill; but I can tell my distinguished colleague, Senator Stavisky, that hopefully in the future we will get that agreement after this bill is passed, and we could conceivably have a chapter amendment.

ACTING PRESIDENT LACK: Senator? Last section.

THE SECRETARY: Section 2 -

ACTING PRESIDENT LACK: Senator Padavan.

SENATOR PADAVAN: I rise to explain my vote.

ACTING PRESIDENT LACK: Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LACK: Again, would the negatives please keep their hands raised longer than usual.

SENATOR PADAVAN: May I explain my vote, Mr. President?

ACTING PRESIDENT LACK: Senator Padavan to explain his vote.

SENATOR PADAVAN: Thank you, Mr. President. I can understand the excellent motivation that is the foundation upon which this bill is built, but it has such glaring flaws in it that I think we've got to make sure that, even if it does pass, that we give ourselves the opportunity to correct it.

I had someone call me the other day to outline an experience that I think illustrates that fact. An elderly woman had died, children were out of town. They came quickly to their home; they arranged for the burial with a local undertaker, and then in the course of looking through this deceased woman's papers, they came upon documents that showed she had paid for a burial. If they had not found those papers, the money given to that funeral home would have been lost. No one would have known about it. I think that's a glaring problem. It has to be addressed before we allow this proposal to go forward.

I vote in the negative.

ACTING PRESIDENT LACK: Results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1625 are Senators Bruno, Cook, Daly, Farley, Galiber, Hoffmann, Lack, Libous, Masiello, Nolan, Nozzolio, Onorato, Pataki, Sears, Seward, Skelos, Solomon, Spano, Stachowski, Stavisky, Velella and Wright; also Senator Dollinger, also

Senator Volker, also Senator Kuhl, also Senator Johnson.

ACTING PRESIDENT LACK: Results.

THE SECRETARY: Ayes 32, nays 26.

ACTING PRESIDENT LACK: Senator Hannon.

SENATOR HANNON: I ask unanimous consent to abstain from voting.

ACTING PRESIDENT LACK: Senator Hannon will abstain on this one.

ACTING PRESIDENT LACK: The bill is passed.

Regular order.

THE SECRETARY: Calendar Number 1636, by member of the Assembly Singer, Assembly Bill Number 2951, General -

ACTING PRESIDENT LACK: Lay it aside.

THE SECRETARY: Calendar Number 1637, by the Assembly Committee on Rules, Assembly Bill Number 8508-A city of Mount Vernon to discontinue the use of certain city lands.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT LACK: Last section. Home rule message at the desk.

Last section.

SENATOR DOLLINGER: Is there an explanation asked for on this bill, Mr. President?

SENATOR GALIBER: Yeah.

ACTING PRESIDENT LACK: Senator Present, in connection with Calendar 1637, I believe Senator Dollinger has requested an explanation. It's an Assembly bill with no Senate -

SENATOR VELELLA: I'll explain it.

ACTING PRESIDENT LACK: Oh, Senator Velella.

SENATOR VELELLA: This is a bill to convert some park land in -- Senator, this is a bill to convert some park land in the city of Mount Vernon. The land is going to be used for developing of a shopping center, restaurant and a shopping mall to help increase the financial

problems that Mount Vernon has.

There is a substitute of equal value and equal acreage being made by the city, and there are some ball fields there which are being not only replaced at the new location but actually enhanced by this transfer of land. It's a bill that was put in by Assemblyman Pretlow. Since Senator Galiber and I share Mount Vernon, we both know the importance to the economic viability of the city.

It has a home rule message and it's a very positive step forward for the city of Mount Vernon and we support it. I believe Senator Galiber might want to comment if there's any further question.

ACTING PRESIDENT LACK: Senator Galiber.

SENATOR GALIBER: Is there anyone from Mount Vernon opposed to this? Mr. President.

ACTING PRESIDENT LACK: Senator.

SENATOR GALIBER: I have a -- as you've heard me mention quite often, I have a

portion of Westchester County, more importantly I guess a section of Mount Vernon.

Now, last evening for those of you who say, well, maybe there's reversals here, in terms of the bill that Senator Padavan and Senator Gold had, which I supported, there is more than a fragile distinction, there's a volcanic difference between the bill last evening and the one this evening.

First off, we have the mayor of Mount Vernon in support as we did the mayor of the city of New York last evening, but the difference is that we're not -- we're swapping land. We're building a commercial enterprise, that's true. We have the support of the Mount Vernon legislators, I believe; I'm not quite sure how Senator Oppenheimer feels about this, but instinctively I get a sense that she's in favor. So we have all the legislators. We have the legislator from -- the Assemblyperson from Mount Vernon who supported this piece of legislation for the same reasons that I'm supporting it tonight.

Park land -- who said -- is that the gentleman from Queens?

SENATOR ONORATO: I said explanation is satisfactory.

SENATOR GALIBER: I'm a bit confused here now. I know they did a horrible job on reapportionment; I'm not quite sure part of -- did you get into Mount Vernon also like I did? Are you still out in Queens?

SENATOR ONORATO: Everything else.

SENATOR GALIBER: But on a serious note, Mr. President, there is a vast difference in these two pieces of legislation. It has almost unanimous consent here. For those of you who can recall perhaps a few nights ago, a few weeks ago, I've lost track as most of us had, Senator Larkin had a piece of legislation dealing with the IDA, and I'd asked a question then, of whether or not this bill would exclude the possibilities of Mount Vernon going forward in terms of their project.

The project that I did not

specifically make reference to was this project, and I was told then that the 60-day opportunity for grandfathering was there. This piece of legislation I support. To the best of my knowledge all the legislators representing Mount Vernon support it.

Therefore, I would ask the sponsor if he would be willing to move the piece of legislation.

ACTING PRESIDENT LACK: Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT LACK: The bill is passed.

SENATOR PRESENT: Can we call up -

THE SECRETARY: Calendar Number 15...

ACTING PRESIDENT LACK: Senator Present.

SENATOR PRESENT: Can we call up Calendar Number 1529.

ACTING PRESIDENT LACK: Secretary will read Calendar Number 1529, which is on Calendar 1529, regular calendar, page 29, on the bottom, Secretary will read.

THE SECRETARY: Calendar Number 1529, substituted earlier, by member of the Assembly Bragman, Assembly Bill Number 1032-E.

SENATOR GOLD: Explanation.

ACTING PRESIDENT LACK: An act to amend the Environmental Conservation Law.

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT LACK: Excuse me, Senator Stafford. We -- we have a message if Senator Present would request -- Senator Present.

SENATOR PRESENT: I move we accept the message.

ACTING PRESIDENT LACK: Motion of

Senator Present to accept the message of necessity from the Governor. All those in favor aye.

(Response of "Aye.")

Contrary nay:

(There was no response.)

The message is accepted.

Senator Stafford.

SENATOR STAFFORD: Thank you, Mr. President. I'll be -- try to be very clear and also very brief. I also want you to know we've asked that the air conditioning be turned back on for this.

Last year we considered this subject, and I want to compliment and express my appreciation to the Governor's office, to the Assembly and to the Senate who negotiated this bill. It's accepted by those who have worked on it, and you'll note that there was a message of necessity and it has been passed by the Assembly.

My friends, I want to emphasize, this is a bear management bill. It is what I

explained last year except there is a difference. As far as using dogs to hunt, a sportsman could apply to the Department for a separate permit to use a dog only when proof of damage to property or threat to public health and safety is presented to the Department and, two, only when the Department has determined that no other alternative is feasible.

I also explained the detail that the Department and the sportsmen have gone, to show you the detail. Any dogs that are used must be trained and they must be trained before hunting season, and there are those who are qualified to either accept these dogs or not accept them. When there is training, there are no weapons used at all and, of course, obviously, bear are not taken.

I would say again that the sportsmen in our state, I feel, are a fine group. I'd ask that you respect them, as I think any of you who are concerned about hunting, they respect your concerns, but this bill is, I think, a sensible bill. I think it's

been well thought out. I think the sportsmen have worked very hard and have compromised and I think that the Governor's office, the Governor and the Assembly and the Senate have a very, very sensible piece of legislation here.

SENATOR OPPENHEIMER: Mr. President.

ACTING PRESIDENT LACK: Senator Oppenheimer.

SENATOR OPPENHEIMER: Needless to say, I am very upset with this "E" print. We had an "A", a "B", a "C", a "D" and then suddenly in this "E" print, we see something that we had been given assurances would not be in the bill suddenly come out in the bill, and that is the use of dogs to go after bear in this case. We have a new category, it's not generally just hunting bear. Now we have something called the nuisance bear.

The nuisance bear has not been a problem in the state of New York. It just seems to have occurred in the past few months. The DEC has -- has concocted a nuisance bear.

SENATOR STAFFORD: Could I ask you a question, please? Would the Senator yield?

SENATOR OPPENHEIMER: Yes, certainly.

ACTING PRESIDENT LACK: Would the Senator yield?

ACTING PRESIDENT LACK: I said at the beginning of the session I never interrupted. I'm afraid I'm not upholding my reputation very well, but would you believe that we've had problems with nuisance bear in Ellenburg, in the Saranac area, in the Peru area, in the Westchester area, and it's a very serious problem. A bear will go in and completely ruin a building, and I just wondered if you knew that that was a problem.

SENATOR OPPENHEIMER: Yes, Senator Stafford. I -- I have been aware that there have been bear that have caused damage to farmers and to other mostly rural buildings. However, there are alternative methods for getting rid of these bears that have caused -

caused damage. We never heard the word "nuisance bear" until just now. It was certainly never in prior legislation, certainly not before, not prior to last year. I had never heard of the term, and it's sort of like this - this has just been discovered as a problem.

The lack of credibility with the -- the people that were pushing this issue, most of the -- the human societies and the people involved fighting cruelty to animals have been assured that dogs would not be included in this year's bill and, as I said, it suddenly crops up in the "E" print, and it is -- well, I think many of us feel that it's just -

ACTING PRESIDENT LACK: Senator Farley.

SENATOR OPPENHEIMER: -- it is something that we don't have the kind of cooperation we had thought was there.

I -- I was considering going along with the "A", "B", "C", "D" print even though I was upset about the selling of bear parts because we know that, due to the -- the

valuable gall bladders of bear which are considered a epicurean delight in Japanese cooking, that there's a lot of poaching that goes on, and illegal shooting of bear, but I was -- I was thinking of going along with that, but I am very, very affronted by this sudden appearance of -- of this "E" print and of dogs being introduced in the legislation where we had been assured it would not be.

I will be voting no.

ACTING PRESIDENT LACK: Senator Farley.

SENATOR FARLEY: Having represented Hamilton County for 16 years -- it's now in Senator Stafford's district under reapportionment -- and having grown up there, let me just tell you this is a significant bill and something needs to be done about bear management.

Literally a bear broke the front door and the glass in the door and literally tried to get into the home of my aunt in Indian Lake. I was camping at Louie Lake campsite when

the bears came through there at night ravaging the place and by morning it was empty, and there wasn't a site vacant because it terrorized everybody there. Some of these bears have come out of their natural habitat and started poaching for garbage and food and among civilians. They have to be managed. Quite frankly, they're terrorizing, these renegade if you want to call it, renegade bears, and something has to be done.

This is an agreed-upon bill, one that has passed the other house, and there's a message of necessity there. It is -- I realize what everybody is saying, but until you have faced and seen a black bear come right up into your campground or something like that, believe me, they can be a terror, and I urge the supported of this bill.

SENATOR LEICHTER: Mr. President, would Senator Farley yield, please.

ACTING PRESIDENT LACK: Senator, would you yield? Senator Leichter.

SENATOR LEICHTER: Senator, as I

understand it, you would only be authorized to use dogs after you get a license to hunt down a nuisance bear, is that correct?

SENATOR FARLEY: That's as I understand it, yes.

SENATOR LEICHTER: Now, Senator, and I probably am showing my ignorance because I haven't gone hunting, but let's say there's a nuisance bear, I go and I find the bear try to break into my house. I go to the DEC office; I say, "I've got a nuisance bear, he tried to break into my house; please give me a permit. I got some dogs, they're trained," and so on. I get the permit; then I go off hunting for that bear. I'm authorized to do that under this bill; is that correct?

SENATOR FARLEY: I -- Senator Stafford says it is. I'm not an expert on this bill.

SENATOR STAFFORD: You have to get a permit.

SENATOR FARLEY: You have to get a permit.

SENATOR LEICHTER: But now I go out, I've got my dogs and they're yelping, they pick up the scent of the bear.

SENATOR FARLEY: I suggest you get somebody else to do it for you, Senator Leichter.

SENATOR LEICHTER: Very good. Let me tell you -

That was a very good retort, so there, Senator Farley, after that -- after that nuisance bear with his trusted dog, you're right I'm back watching television. I'm a lot safer there. I'll watch one of those geographic specials about hunting lions or something really exciting. But you're off hunting that bear with your dogs, and they pick up a scent and off they go, and lo and behold, they're after a bear.

How do you know that's the nuisance bear? Maybe it's a totally different bear? Do you then go up and get it, do you go up and ask the bear, "Are you the nuisance bear; did you break into my house?"

SENATOR FARLEY: That's why I suggested you get somebody else to do it.

SENATOR STAFFORD: If Senator Leichter would yield, I would point this out. Once again, I'm not going to say you're making light of it.

SENATOR LEICHTER: Nor am I going to say you're loaded for bear again.

SENATOR STAFFORD: This is very, very tightly regulated, Senator, and it would only be if at Louie Lake there were a group of bears really causing problems if there was a bear, I'd have to tell this story.

I was driving in Ellenburg, and I heard that there were a lot of bears around Ellenburg and I grew up in the area, fellow right up there grew up in the area also and two 250-, 300-pound bear went bounding across the road, and I took notes, I took notes, believe me, and it was right in a relatively populous area, it was right at Dannemora Crossing right by -- that's the suburb of Ellenburg.

Now, if you would have to go and

explain to the Department that you had the problem with these bears, they would check it out now. Also they have to make sure that there's no other alternative than to go and get those bear, and we do share with you that we think that it's serious enough that we should be able to do this, and the sportsmen should be able to do something about the situation because I'm sure at Wadhams, you wouldn't want to have any severe problems.

But interestingly enough, I would share this with you, in that beautiful Lake Champlain valley, that you are so fortunate to indeed be, the bear are on one level. Now, if you go in the higher property, believe it or not, get up in the cliffs and the palisades, there are a few, but it's at a higher level; it isn't down by the lake.

SENATOR LEICHTER: Well, Senator, let me just share with you, I was driving south of Wadhams, an area you well know on the way to Westport, this is last year, and crossing right in front of me is a mother bear and some cubs.

I don't know if it was a nuisance bear.

SENATOR STAFFORD: It's not a nuisance bear.

SENATOR LEICHTER: So there's bears all over, and there's no question some of them are nuisance bears, and I'm maybe trying to make light.

SENATOR STAFFORD: No.

SENATOR LEICHTER: But I'm puzzled by once you're out hunting, you're out hunting for that one bear or maybe a couple bears that have been causing problems, and the dogs go after another bear.

SENATOR STAFFORD: Would the Senator yield?

ACTING PRESIDENT LACK: Would you yield, Senator?

SENATOR LEICHTER: Yes.

SENATOR STAFFORD: I would ask you again, and again I'd like to make this point, only when proof of damage to property or threat to public health and safety is presented to the Department. You know, the mother bear

with the cubs, I just share this with you, not making light of it, don't you ever go near a bear that has any cubs.

SENATOR LEICHTER: All right.

SENATOR STAFFORD: That's -- I'm just helping you.

SENATOR LEICHTER: I won't go near a bear, period, with or without dogs.

ACTING PRESIDENT LACK: Senator Sears. Senator Stavisky.

SENATOR SEARS: Oh, I thought she had the floor.

ACTING PRESIDENT LACK: No, Senator Sears has the floor.

SENATOR SEARS: I'd like to try to clear up some of the misconceptions perhaps of this bill.

Last year, as you know, on a close vote, the bill passed. It would have allowed the hunting of bear with dogs. This bill prohibits that. That was the reason the Governor vetoed the bill last year, because the pressure was so great from those people that

disagreed that he vetoed the bill.

This bill is a deer management bill. It does not really allow you to hunt bear with dogs, trained or otherwise. What it does allow you to do is, if a bear is causing some trouble, he isn't going to cause that trouble today; he's going to come back two or three days, he's going to break into your garbage can.

If you have that situation, especially if you have children around, you go to the game warden, you tell him you have a nuisance bear and you show him some proof of it, he can come up and look at the area. There's ways you can show him where the bear tracks are. I know this because I've had nuisance bear around my place up in the Adirondacks, and, if I can show him where there's been some damage done, he'll issue me a permit. That permit doesn't -- I don't have to go get my dog that's trained to hunt bear. I get my .30.06 and, if I've got the permit, I've got a nuisance bear, when he comes around again in my back yard I

shoot him.

I don't need a dog to chase him down, nor does this bill say that, if you have a nuisance bear you've got to have a dog to track him down or tree him and shoot him with a permit. It doesn't say that at all. All it says is that it's a bear management bill and, if we don't pass it, the Department of Environmental Conservation has no authority to manage the deer in this state or the bear in this state, the same way they manage the deer herd. It's how many bear can you have in an area where the food is so you don't get an imbalance. That's why the Department of Cons... Environmental Conservation sometimes wants to have party permits.

ACTING PRESIDENT LACK: Excuse me. Senator Waldon.

SENATOR WALDON: Mr. President, might I interrupt for a couple of brief questions?

ACTING PRESIDENT LACK: Senator Sears, will you yield to Senator Waldon for a

question?

SENATOR SEARS: Yes.

ACTING PRESIDENT LACK: Senator Waldon.

SENATOR WALDON: Senator, it was raised earlier, causes me concern, and I want to have the air cleared, that there are poachers going, pursuing bear, hunting bear for the purpose of taking various parts.

SENATOR SEARS: That's correct.

SENATOR WALDON: Is that your experience in regard to these nuisance bears?

SENATOR SEARS: There was, in various parts of the country, bear poachers who were out shooting bear and selling certain bear parts because certain people like to eat certain parts of a bear, O.K.? That was a problem. I think there was a sting operation in the Berkshires where they caught these people doing that and, of course, they were -- they were fined and prosecuted.

This bill does address this, in the sense that it gives the Department of

Environmental Conservation, as part of the bear management program, the right to stop this or to regulate it. Some of it, if you shoot a bear legally, not poaching, be it during the bear season, if you -- the Department can give you permission, I believe, to get rid of those parts or sell them to people who might want them. Those would be legally taken bear.

You get into the poaching thing, that's different because it is not legal to shoot a bear out of season. They have, you know, regular big game seasons in the Adirondacks as they do in other parts of the state, so this would give the Department a handle on that to stop the illegal taking of bear solely for the purpose of selling certain parts to certain people who might want them.

SENATOR WALDON: Mr. President, may I continue? May I continue?

ACTING PRESIDENT LACK: Go ahead.

SENATOR WALDON: So, Senator, if I understand you correctly, you're saying to

your personal knowledge you have no experience with poaching per se regarding the issue that we're discussing here this evening?

SENATOR SEARS: I'm not -- oh, where I come from?

SENATOR WALDON: Where you come from and where you have experience with nuisance bears, you have not experienced people coming through sweeping and poaching bear in your area.

SENATOR SEARS: For the purposes that you mentioned?

SENATOR WALDON: Yes.

SENATOR SEARS: Not -- there are people in my area who are poachers, they're just cheating hunting deer, bear and other wild life. Not necessarily, no. I don't know of any far-reaching poaching that's going on regarding bear parts.

SENATOR WALDON: Last question, if I may, Mr. President.

ACTING PRESIDENT LACK: Go ahead, Senator.

SENATOR WALDON: Despite the bear management bill that we're considering tonight, and despite all the other laws that we have on the books in New York State regarding bears, there's no prohibition if a bear were to come at you or to endanger the life or property of someone restricting you from shooting that bear, to your knowledge, is there?

SENATOR SEARS: Well, let me explain it this way. The answer to your question is, if a bear is coming at you, attacking you in season, out of season or if your child is out in the yard back of the woods rather, this has happened at least once in a situation that I was in, bear love marshmallows, in the summertime kids like to toast marshmallows over a fire.

Well, if a bear comes out of the woods and if you could hear him or you see him, naturally you're going to grab the child and get him back in. In the event that there was - whatever the situation was, sure, the law says if you got a nuisance bear and in this case that

would be a nuisance bear, and the law says that you're supposed to go to the game warden and get a permit before you can shoot that nuisance bear, in the situation I just described don't take the -- don't waste the time to go to the game warden, go in and get the .30.06 and if that bear gets too close to that child you don't scare him away, you shoot him, and no game warden would arrest you for that.

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

SENATOR SEARS: In conclusion, Mr. President, I think that this bill may have been misinterpreted. We purposely changed this bill because we knew the Governor was opposed to the actual use of dogs to hunt bear, and we've only -- Senator Stafford has quite well explained those conditions where you had a nuisance bear, you'd have get a permit. If there was a trained dog that you had trained and at a different time that perhaps could locate that bear and, of course, you might understand something else, bear can become rabid just like

anything else, and with the possibility of rabies heading north, it's coming in from all over with mostly raccoons. They could bite a bear, a bear could be rabid. You'd know it by the way they act, and you might want a bear to chase or a dog to chase one of those down in an emergency situation, because the quicker you could locate that bear, the quicker that you might be able to tranquilize him to find out if he was rabid.

So I think that this is a good bear management bill. It solves the problem for those who are opposed to the hunting of bear with dogs only in supreme situations such as the -- that I mentioned. But it is a management bill that, if we have don't pass it, the department has no control over how bear can legally be taken to balance the herd.

So it's very important -- it's a very important tool to DEC. I hope you will support the bill this year.

ACTING PRESIDENT LACK: Senator Stavisky.

SENATOR STAVISKY: Mr. President, I don't pretend to have any expertise in this field, and I wonder in those who are advocating this would answer some questions.

In areas where hunters in season do take bear, is the bear ever taken for food?

SENATOR STAFFORD: Yes.

SENATOR STAVISKY: You mean there is a practice of grilling bearburgers -

SENATOR STAFFORD: Yes.

SENATOR STAVISKY: -- in parts of this state?

SENATOR STAFFORD: Yes, bear in steak, bear in a roast. I would again, we're talking publicly, and I'm very serious, I would urge anyone who eats a bear that's taken, that they have a veterinarian check the carcass because I have known some people to become sick. I ask that question in all seriousness because one of the reasons -

SENATOR STAFFORD: I don't care for it. It's relatively stringy and quite coarse but I've eaten it.

SENATOR STAVISKY: Medium rare bear?

SENATOR STAFFORD: No, not medium rare.

SENATOR STAVISKY: Well done bear?

SENATOR STAFFORD: Well done.

SENATOR STAVISKY: Senator, couldn't the objective be accomplished without issuance of permits to the hunters, but rather a simple piece of legislation which, in the event of a renegade bear or whatever term you wish to use, that the taking of the bear to protect human life and safety could be done by Department of Environmental Conservation employees who, therefore, would have no special ax to grind with regard to claiming that this is a renegade bear and, in the last analysis, they really want to kill this bear for the purpose of taking the claws, the paws or parts for sale, commercially?

SENATOR STAFFORD: Well -

SENATOR STAVISKY: Wouldn't it be

wiser to authorize the DEC, which is an official state agency?

SENATOR STAFFORD: I would first say that the area is vast in this state, any areas where you can hunt bear. First, I think it would be difficult to give the Department of Environmental Conservation that responsibility. It's not that easy to -- to catch these animals. They come at different times in the night, different times of the day and you know, I just want to emphasize -- emphasize this again. Many of my friends who hunt, and all of us I hope that hunt, for the most part are very humane, very, very decent, decent individuals, and I'm just trying to keep this within the framework of realism. They aren't -- I say they're really more humane than -- and again I'm not criticizing, but when you look in the industry where animals end up as food for us, it's quite a -- quite an experience. I passed a humane slaughter bill back here in about 1967. The humane society was very involved throughout New York State.

These are very -- these people understand the out of doors. They don't, you know, slaughter as people would think. It is very important that we manage this herd and, if you get four or five, that's a new term, renegade bears in an area, it may be, don't forget now, let me emphasize before anyone gets a permit, proof of damage to property, public health, safety and no other alternative can be used, but it it is important that we pass this legislation for the management of the bear herd.

SENATOR STAVISKY: Thank you, Senator.

It seems to me and, again, I say I'm speaking without any special expertise here, but it seems to me that those who are officials and employees of the Department of Environmental Conservation would have greater experience and perhaps savvy in determining whether there is truly an emergency or whether someone wishes to eliminate a bear in order to obtain parts that could be sold commercially.

If this legislation had no provision for monetary benefit through the commercial sale of bear parts, then I would say I understand fully the purpose of your legislation, and I would say go to it and, if it provided that objective employees of the Department which we have authorized to provide for management were to undertake this responsibility, having no pecuniary interest in the killing of that animal, and if it could be demonstrated that there was no other way through tranquilizers that you could put that animal to sleep and cart it off to an area where it woulid not endanger anyone, I would have more confidence in this legislation.

But that is not the bill before us. The bill before us says that the person who makes the claim, who, in fact, maybe endangering himself and others by not being as expert, as expert in the taking of bear as someone working for the Department would be and then has the right to sell the parts and may not in spite of the suggestion that there are people who thrive

on bearburgers -- I have not seen too many advertisements for bearburgers but maybe there are -- but it's a different situation.

But this appears to be an invitation for people to avoid the stated purpose of the legislation by taking the bears without any proper identification that these were the animals involved and perhaps endanger ing other people and not having employees of the state undertake the management which they are fully capable of doing.

I think we make a mistake. Why don't we permit fox hunting in New York? They do it in certain countries. They don't have fox hunts in New York State, to my knowledge, the way we do in other parts -- do we?

SENATOR STAFFORD: Yes.

SENATOR STAVISKY: One of the objectives -- I'm sorry. One of the objections to fox hunting -

SENATOR TULLY: Mr. President.

ACTING PRESIDENT LACK: Senator Tully, why do you rise?

SENATOR TULLY: Would Senator Stavisky yelled to a question?

ACTING PRESIDENT LACK: Will you yield, Senator?

SENATOR STAVISKY: Yes. I just wanted to make the point that one of the arguments against -

ACTING PRESIDENT LACK: In a moment, Senator.

SENATOR STAVISKY: -- this legislation is that you are not killing an animal needed for food, and we have generally as a society, not engaged in the practice in this country to the extent that other parts of the world have done so.

But this is not -- this is not the killing of an animal for food and there is no assurance that there won't be the killing of the animal for a commercial purpose, and for these reasons I have misgivings about the legislation even in this amended form.

And now I'll yield.

ACTING PRESIDENT LACK: Senator

Tully.

SENATOR TULLY: Senator Stavisky, I think you made a very good point, and I wondered if you knew that the lights here have been dimmed, there is some kind of an emergency going on around the Capitol and I think some very renowned people have been discussing that subject matter, and I would be the last one in the world to curtail debate on a bill as significant as this, but I think if there was some way that we could expedite the debate and get to the point -

SENATOR STAVISKY: This debate is over.

SENATOR TULLY: -- wrap it up -

SENATOR STAVISKY: The debate is over as far as I'm concerned. I've made my point. Thank you.

ACTING PRESIDENT LACK: Senator Oppenheimer.

SENATOR OPPENHEIMER: Oh, I know. I just wanted to make one point that in addition to "A," "B," "C," "D" of this bill,

there weren't dogs and the Department felt that it could regulate and control the bear population without the use of dogs, and I think that many of us who are involved in the animal rights arena feel that there's a loss of faith here because there was an indication that the use of dogs would not appear in this bill and suddenly in the "E" print, it did, and I think that that is a serious failing.

I will be voting no.

ACTING PRESIDENT LACK: Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LACK: Negatives keep your hands raised, please.

ACTING PRESIDENT LACK: Bare the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1529 are

Senators Gold, LaValle, Leichter, Levy, Montgomery, Ohrenstein, Oppenheimer, Padavan, Santiago, Stavisky and Velella. Ayes 47, nays 11.

ACTING PRESIDENT LACK: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, do you have any clean-up?

ACTING PRESIDENT LACK: Yes, sir, we do.

We return to messages from the Governor. Secretary will read.

THE SECRETARY: The Governor returned without executive approval Senate Bill Number 2557, by Senator Spano, Veto Number 9, an act to amend the General Municipal Law, in relation to requiring notice be given concerning a change in fire service protection.

ACTING PRESIDENT LACK: Lay it on the table.

THE SECRETARY: Also the Governor returned without executive approval Senate Bill

Number 4224-A, by Senator Spano, Veto Number 10, an act to amend the New York State Financial Emergency Act of 1984 for the city of Yonkers.

ACTING PRESIDENT LACK: Lay that on the table.

THE SECRETARY: Also the Governor returned without executive approval Senator Trunzo's bill, Senate Bill Number 1767, Veto Number 13, an act to amend the Civil Service Law, in relation to application for injunctive relief.

ACTING PRESIDENT LACK: Lay that one on the table.

Motions and resolutions.

Senator Mega.

SENATOR MEGA: Yes, Mr. President. On page 30, I offer the following amendments to Calendar Number 1580, Print Number 8652, and ask that said bill retain its place on the calendar.

ACTING PRESIDENT LACK: Amendments received,, bill will retain its place.

Senator Mega.

SENATOR MEGA: On behalf of Senator Saland, Mr. President, I wish to call up his bill Print 5765, having passed both houses and not delivered to the Governor.

ACTING PRESIDENT LACK: Secretary will read.

THE SECRETARY: By Senator Saland, Senate Bill Number 5765, authorizing the town of Wappinger to discontinue the use and convey certain park lands.

SENATOR MEGA: I now move to reconsider the vote by which this bill was passed and ask that the bill be restored to the order of third reading.

ACTING PRESIDENT LACK: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT LACK: Bill is before the house.

SENATOR MEGA: I now offer up the

following amendments.

ACTING PRESIDENT LACK: Amendments received; bill will retain its place on the order of third reading.

Senator Velella.

SENATOR VELELLA: On page 29, the bill that was just passed, Calendar Number 1529, I understand I was listed in the negative. I should have been recorded in the affirmative, and I would ask unanimous consent to be so recorded.

ACTING PRESIDENT LACK: Without objection, Senator Velella, on the last calendar will be recorded in the positive, not the negative.

Senator Present. We are finished with the housekeeping.

SENATOR PRESENT: Mr. President, there being no further business, I move that we adjourn until tomorrow at 1:30 p.m.

ACTING PRESIDENT LACK: Senate will stand adjourned until tomorrow at 1:30; 1:30 p.m.

(Whereupon, at 12:39 a.m., July 7, 1993 the Senate adjourned.)