ALBANY, NEW YORK

April 6, 1994

12:23 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FARLEY: The Senate will come to order. Senators will please find their seats. We'll wait just a second; wait for a second for the stenographer.

Allegiance to the flag.

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

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

(A moment of silence was observed.)

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

THE SECRETARY: In Senate, Tuesday, April 5th. The Senate met pursuant to adjournment, Senator Kuhl in the Chair upon designation of the Temporary President. The Journal of Monday, April 4th, was read and approved. On motion, Senate adjourned.

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

The order of business: Presentation of Peti...Senator Present.

SENATOR PRESENT: Would you recognize Senator Skelos, please.

ACTING PRESIDENT FARLEY: I certainly will. Senator Skelos.

SENATOR SKELOS: Yes. There will be an immediate meeting of the Aging Committee in the Majority Conference Room.

ACTING PRESIDENT FARLEY: There'll be an immediate meeting of the Aging Committee in Room 332, the Majority Conference Room.

Senator Mendez.

SENATOR MENDEZ: Yesterday afternoon, I had to step out of this chamber and I would like the record to reflect that if I would have been here, I would have voted no on Calendar Number 405.

ACTING PRESIDENT FARLEY: The record will so...

SENATOR PRESENT: No objection.

ACTING PRESIDENT FARLEY: The

record will show that.

The order of business. Senator Nozzol... wait a minute, we're not on that.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports.

Motions and resolutions. Senator Nozzolio.

SENATOR NOZZOLIO: Yes, Mr. President.

On behalf of Senator Levy, I wish to star Calendar Number 485, Bill S. 193-A.

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

Senator Volker.

SENATOR VOLKER: Just standing, Mr. President, thank you.

ACTING PRESIDENT FARLEY: O.K. Any other motions on the floor? No other motions. O.K. We have a couple resolutions.

Senator Present.

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

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

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The Resolution Calendar is adopted.

SENATOR PRESENT: Would you recognize Senator Larkin, please.

ACTING PRESIDENT FARLEY: Senator Larkin.

SENATOR LARKIN: Mr. President, Resolution Number 3122 commemorates the week of April 30th, 1944 as Town Clerks' Week in the state of New York. Like to open it up for sponsorship by everyone.

ACTING PRESIDENT FARLEY: Resolution on Town Clerks' Week is open to the Senate to sponsor. Please approach the desk.

All Republicans. Do you wish all the Democrats to be on it, Senator Gold?

SENATOR GOLD: Pardon me?

ACTING PRESIDENT FARLEY: On Town Clerks' Week resolution?

SENATOR GOLD: Hold on one second. It's a great idea.

ACTING PRESIDENT FARLEY: All members of the Senate will be on it. Please approach the desk if you wish not to be.

Senator Gold?

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: I believe there's a privileged resolution at the desk sponsored by Senator Nolan and, if you could read the title and then perhaps people want to co-sponsor it.

ACTING PRESIDENT FARLEY: The Secretary will read the title.

THE SECRETARY: Legislative Resolution by Senators Nolan, Farley, Stafford, Bruno and Holland, paying tribute to Siena

College men's basketball team in recognition of their outstanding regular season and their exceptional post-season performance in the 1994 National Invitational Tournament.

SENATOR GOLD: Yes. I certainly think that all the Democrats want to be on it and I think all the Republicans with the exception of Senator Skelos.

ACTING PRESIDENT FARLEY: Senator want to be on it for that great team from the Capital District area.

SENATOR PRESENT: I think except those who decline should be on it.

SENATOR GOLD: I think the only exception is Senator Skelos. He's voting no.

ACTING PRESIDENT FARLEY: All members of the Senate will be on it. Siena certainly had a great, great year and the Senate is very proud to support them. One of the joys of the Capital District.

All in favor of adopting the resolution, say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

It's unanimously adopted.

There's a third resolution here.

SENATOR PRESENT: Would you recognize Senator Holland.

ACTING PRESIDENT FARLEY: Senator Holland.

SENATOR HOLLAND: Will you read the title of the resolution?

ACTING PRESIDENT FARLEY: Secretary will read the title of Senator Holland's resolution.

THE SECRETARY: Legislative Resolution, by Senators Holland, Nolan, Farley, Stafford and Bruno, honoring and commemorating the success of Rockland County's native son, Mike Deane, head coach of the Siena basketball team.

SENATOR HOLLAND: Just want to note that he is a Rockland County native and he did an excellent job. I'd certainly like to open it up to everybody for sponsorship also.

ACTING PRESIDENT FARLEY: Without objection, I guess all members of the Senate will be on the Mike Deane resolution, outstanding coach who is now heading off to a bigger and better job, supposedly.

All in favor of the resolution say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The resolution -- the resolution is adopted. All members will be on it without objection.

Senator Present.

SENATOR PRESENT: I think we're ready for the non-controversial calendar.

ACTING PRESIDENT FARLEY: Secretary will read non-controversial.

THE SECRETARY: On page 5, Calendar Number 233, by Senator Holland, Senate Bill Number 2839-B, an act to amend the Social Services Law, in relation to the use of a fingerprint matching identification system.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay the bill aside.

SENATOR PRESENT: Mr. President.

THE SECRETARY: Senator Present.

SENATOR PRESENT: In order to accommodate a couple of members, can we have the last section of that read and allow them to vote.

ACTING PRESIDENT FARLEY: Clerk will read.

SENATOR GOLD: Who are our members?

SENATOR PRESENT: Senator -

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

SENATOR PRESENT: Call Senator Sears' name.

THE SECRETARY: Senator Sears.

SENATOR SEARS: Aye.

SENATOR PRESENT: And Senator Skelos.

SENATOR GOLD: Have to check that.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Aye.

SENATOR GOLD: Hold on.

SENATOR PRESENT: Withdraw the roll call and lay the bill aside.

ACTING PRESIDENT KUHL: Roll call is withdrawn, and the bill is laid aside.

THE SECRETARY: On page 11, Calendar Number 480, by member of the Assembly DiNapoli, Assembly Bill Number 9307, Education Law, in relation to the estimated expenses of school districts.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 481, by Senator Present, Senate Bill Number 6943, authorize the payment of transportation aid to Dansville Central School District.

ACTING PRESIDENT KUHL: There's a local fiscal impact note at the desk. Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 482, by Senator Cook, Senate Bill Number 2836, an act to amend the General Municipal Law.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 484, by Senator Levy, Senate Bill Number 81-A.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Leichter.

SENATOR LEICHTER: Yes. May I ask that we reconsider the vote by which Calendar 482 just passed and ask that that bill be laid aside, please?

ACTING PRESIDENT KUHL: 482, is it here? It's here. Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is laid aside.

THE SECRETARY: Calendar Number 487, by Senator Tully, Senate Bill Number 2539-A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 488, by Senator Sears, Senate Bill Number 6805, an act to amend the Highway Law, designating a portion of the state highway system as the Aluminum Workers' Memorial Highway.

ACTING PRESIDENT KUHL: Last

section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 493, by Senator Lack, Senate Bill Number 6964, Estates, Powers and Trusts Law.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

498, by Senator Volker, Senate Bill Number 931, an act to amend the Penal Law, in relation to increasing penalties for crimes of conspiracy.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 499, by Senator Volker, Senate Bill Number 2627, an act to amend the Penal Law, in relation to authorized dispositions in certain felony cases.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42, nays one, Senator DeFrancisco recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 506, by Senator Saland, Senate Bill Number 4417, Criminal Procedure Law and the Family Court Act.

SENATOR GOLD: Will you hold for Senator Galiber, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 507, by Senator Volker, Senate Bill Number 4829, Criminal Procedure Law, in relation to issuance of search warrants.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 510, by Senator Stafford, Senate Bill Number 6845, an act to amend Chapter 266 of the Laws of 1981, amending the Civil Practice Law and Rules.

ACTING PRESIDENT KUHL: Last section.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 513, by -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number

518, by Senator Cook.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 519, by Senator Johnson, Senate Bill Number 5073-A, Environmental Conservation Law.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 520, by Senator Trunzo, Senate Bill Number 6560, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT KUHL: Last

section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 521, by Senator Johnson, Senate Bill Number 7029, Environmental Conservation Law.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

523, by Senator Levy, Senate Bill Number 1003-A, an act to amend the Vehicle and Traffic Law.

SENATOR DOLLINGER: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 524, by Senator Levy, Senate Bill Number 1114, an act to amend the Vehicle and Traffic Law, in relation to suspension pending prosecution.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 524 are Senators Daly, DeFrancisco, Farley, Holland, Kuhl, Present, Rath, Saland, Spano, Stachowski, Velella and Wright. Ayes 34, nays 12.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 525, by Senator Levy, Senate Bill Number 1310, an act to amend the Vehicle and Traffic Law, in relation to limiting options for plea bargaining for repeated DWI offenders.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44, nays 2, Senators DeFrancisco and Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 526, by Senator Marino, Senate Bill Number 7239.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Present, that completes the non-controversial calendar. What's your pleasure?

SENATOR PRESENT: Would you recognize Senator Saland?

ACTING PRESIDENT KUHL: Senator Saland.

SENATOR SALAND: Mr. President, I request unanimous consent to be recorded in the negative on Calendar Number 499.

ACTING PRESIDENT KUHL: Without objection, so ordered.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I'd ask unanimous consent to be recorded in the negative on 487, please.

ACTING PRESIDENT KUHL: Without objection, so ordered.

Senator Present.

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

please.

ACTING PRESIDENT KUHL: Clerk will read the controversial calendar.

THE SECRETARY: On page 5, Calendar Number 233, by Senator Holland, Senate Bill Number 2839-B, Social Service Law, in relation to the use of fingerprint matching identification system for home relief benefits.

SENATOR GOLD: Explanation.

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

SENATOR HOLLAND: Yes, Mr. President.

I think everyone knows really what the problem is, and I think most of us believe, however well, that fingerprinting should be a part of the solution. It will save us an awful lot of money and restore credibility to the system. With fingerprinting we have, of course, an opportunity to return credibility, responsibility and integrity to a system which is widely perceived by the public as being a red tape bureaucracy which is absolutely riddled

with fraud.

The problem is -- some of the problems, welfare is growing at 12, 15, 20, 30 percent a year. In this year's budget, Medicaid and welfare is approximately $24 billion of the $63 billion total budget, or 38 percent of the budget, and the people are telling us and, in fact, begging us to clean up the system. The people are hating and mistrusting anyone on welfare, mistrusting anyone who needs help, not because they need help because I think most of us want to help them, but because of the limited number of thieves who are stealing from the system.

You've all heard the testimony, testimony before my committee, testimony before other committees, from all over the state and all over the nation that fraud and abuse in the Medicaid and welfare system is five percent of that $24 billion, is ten percent of that $24 billion, and it's even been suggested it's 25 percent of that $24 billion, but realistically if it's five percent, then we are being ripped

off, the taxpayers of this state and we're allowing it, if it's five percent, $1.2 billion dollars. It's more likely that it's near 10 percent and that means we're allowing the taxpayers of this state to be ripped off for approximately $2.4 billion a year.

Now, some people say that the system is degrading. I certainly don't think so, but we need to improve the system. We need to tighten up the management. We need to offer better management tools to clean up the system and every time we do it there's another reason why we shouldn't be able to do that. In the meantime, as we said, the taxpayers are being ripped off for $2 billion a year and we can not agree on a solution.

Some people say that only criminals are fingerprinted. Now, you know - you know that isn't true. I have a list here of 80 different groups that require fingerprinting in this state, and I'll be glad to read it for you if you want. But some of them are police, military personnel, anybody who works for a

museum, anybody who works for an art gallery, anybody who works for the school system for the city of New York, the Governor's staff, and on and on and on.

And people don't mind being fingerprinted; and somebody will say, well, it's not voluntary, but if you recall a few years ago when people went into the military it wasn't voluntary then either, but they still had their fingerprints taken. Therefore, people who need help should be willing to have their finger prints taken and, in fact, they are.

We've done a state study. The Department of Social Services has done a state study, and they found in that study that 93 or 94 percent of the people, the clients, the people who need help, do not mind having their fingerprints taken and, in fact, you've probably done the same thing I've done, you've gone into other offices and asked or on the street and asked those people if they mind -- minded. You've watched them on TV. They do not mind if they need assistance. The honest people on the

system do not mind. It is the thieves that mind having their fingerprints taken.

In a 1993 letter, Commissioner Shepard of New York City Department of Investigation cited a major welfare fraud scheme involving fraudulent I.D.s. This case you've heard over and over and over again. There were 115 welfare recipients in the city of New York that ripped off the system for $45 million, a system that should have caught these people stealing from the system, but it was $45 million that they took out of the system very, very easily. And recently you've seen in the paper where people from different states are coming into our state, and they're getting home relief in New Jersey, in New York. They found 425 people who were collecting in New Jersey and New York, and I believe that's only the tip of the iceberg. Then they decided to check Jersey City and they pulled ten people from the home relief rolls. Guess how many were collecting in both states? Eight out of the ten. This is a terrible uncontrolled system that is ripping off

the taxpayers.

In the study done by DSS in Rockland County and Onondaga County, two counties that are very far apart and rural counties which only have one entry point, but the city of New York has 39 entry points, the department of -- DSS, the Department of Social Services found that the savings in those two counties for the year approached $700,000, and they projected for an expense of 10 million to $13 million dollars, we could save statewide $46 million a year, and that doesn't count -- that's only home relief. That doesn't count Medicaid. That doesn't count food stamps. If we put all of that in, we could save approximately $100 million a year for an expense of 10- to $13 million.

According to Comptroller McCall in a report issued -- a release in December of 1993, as much as $39 million dollars in home relief payments in 1991 were actually over payments for a variety of reasons. In that same report, Comptroller McCall recommended that the

Department of Social Services establish local quality control safeguards to prevent over payments.

In its response, the Department of Social Services said that finger imaging could be employed as a more cost-effective safeguard against over-payments. And people will bring up California. I have spoken to some Senators from Los Angeles County in the NCSL. That system saved approximately $5.2 million just for the city of Los Angeles in one year - or six months, rather, and they estimate that, if it went statewide, the state of California would save $750 million in the first year and they are looking -- California is now looking at expanding to the surrounding counties around Los Angeles.

I want to tell you a little bit more about Los Angeles, because I know that will be coming up. A total of 3,263 recipients and applicants were either denied or terminated for failing to comply with finger imaging requirement within the first six months of the

study. Among the applicants, 80 percent of whom received general assistance previously, there were 29 matches made and 213 refused to be fingerprinted. Among the recipients, there were 11 matches made and over 3,000 refused to be fingerprinted.

Now, there must be a reason why they refused to be fingerprinted. I told you about the savings in Rockland County, and I told you that there -- they stand far apart. I would like to tell you a few comments from some people you may recognize their names.

Comptroller McCall, who on Monday endorsed fingerprinting, I think you all know that, said "we must take steps to combat the perception that welfare is rampant with fraud, and fingerprinting will do that. It will bring back credibility to the system and not the hate that people have out there for people on welfare."

Governor Cuomo last week admitted to the press that finger imaging could "give the welfare system the much needed credibility it

now lacks with the taxpayers." The Governor said, "The more I hear the arguments against it, the more convinced I'm right. This is not a stigma. I don't understand any suggestion that it is."

People in support of the system besides the people on this side of the aisle, New York City Mayor Giuliani wants to expand it and bring it out as quickly as possible; the Governor, the Comptroller, most county executives if not all, probably 80 percent of the taxpayers, the people that we represent. You also heard about Judge Weinstein who had a case of fraud, two women from the Dominican Republic, and he said in his opinion that fingerprinting -- the state is making a huge mistake by not implementing finger imaging right away.

And, of course, the Department of Social Services. My colleagues, the people want it, and you know, you talk to them, they want it. It's a proven money saver, and the honest clients do not object to having their finger

image taken. Why don't we join together and do this for the taxpayers of this state as soon as possible.

ACTING PRESIDENT KUHL: Senator Waldon.

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

Would the learned gentleman yield to a question or two?

ACTING PRESIDENT KUHL: Senator Holland, do you yield?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: The Senator does.

SENATOR WALDON: Senator Holland, I believe I heard you -

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Yes, Mr. President. Would you recognize Senator Cook.

ACTING PRESIDENT KUHL: Senator Cook.

SENATOR COOK: My apology, but

there's an Education Committee meeting scheduled for 1:00 o'clock. I think we'll move that into the conference room, the Majority Conference Room rather than downstairs, so we will be available for votes here.

ACTING PRESIDENT KUHL: There will be a Senate Education Committee meeting in the Conference Room scheduled for 1:00 o'clock which is now.

Thank you, Senator Cook; thank you, Senator Waldon for your indulgence.

SENATOR PRESENT: Thank you, Senator Waldon.

SENATOR WALDON: Thank you, Mr. President, and thank you, Mr. President.

Senator Holland, I believe I heard you say that people who wish to receive this aid from the state do not object to receiving -- do not object to being finger printed.

It is difficult to know people unless you walk in their own shoes. Can you tell me where you conducted the surveys which

gave you that information?

SENATOR HOLLAND: You know, Senator, the survey was done in Rockland and Onondaga Counties where the system has been implemented for over a year, but there have been other pieces on TV, just reviewing one this morning, where the TV cameras go out and ask the clients in the welfare offices, because I was there, if they minded and they said absolutely not, because they were honest people who just needed help.

SENATOR WALDON: The people that you interviewed in the two counties in question, I will, if the President permits me, I will get to that momentarily. But did you conduct any surveys in Bedford-Stuyvesant?

SENATOR HOLLAND: Personally? No, sir.

SENATOR WALDON: Did anyone?

SENATOR HOLLAND: Not to my knowledge.

SENATOR WALDON: Did anyone conduct any surveys in South Jamaica or in the

Auburn-Edgemere section of the Rockaways?

SENATOR HOLLAND: I will give you the fact that the only surveys that I know were done were in Rockland and Onondaga County. It won't be necessary to go through every county in the state of New York.

SENATOR WALDON: So what you're saying is that, if I understand -- Mr. President, may I continue?

What you're saying, if I understand correctly, is that you're projecting the results of the survey conducted upstate across the state of New York, the eighteen and a half million people of the state of New York have projected upon them the results of the survey you conducted in the two counties of the state, is that correct?

SENATOR HOLLAND: Yes, sir, but I don't think that people in the city of New York are really any different than the people in Rockland and Onondaga. People who are in need are the same whether they are in Onondaga County or Queens or wherever.

SENATOR WALDON: I'm not sure that I agree with that.

Mr. President, may I continue? May I continue?

ACTING PRESIDENT KUHL: Please do, Senator.

SENATOR WALDON: Senator Holland, even looking at the survey that was conducted upstate, the information that you gave doesn't seem quite accurate. My information -- and correct me if it's wrong -- says that there were 4,772 applicants in both districts; only 19 refused to be fingerprinted, is that correct?

SENATOR HOLLAND: There were - yes, sir, I believe that's correct, and there were none in Rockland County who refused to be fingerprinted. They sat the individuals down prior to their being fingerprinted, explained the system to them, and absolutely none refused to be fingerprinted.

SENATOR WALDON: Further my information states, Senator Holland, that 495 of the 3,344 existing cases called in for finger

printing were closed, with only 145 otherwise unexplainable closings; is that fairly accurate?

SENATOR HOLLAND: Yes, sir.

SENATOR WALDON: And isn't that what you based the cost savings upon?

SENATOR HOLLAND: Yes, sir, and I also gave the information from Los Angeles County where 3,000 people, applicants, didn't show up in the first six months to have their fingerprints taken. Yes, sir, that's where the savings come from and if we project that statewide, the Department says we will save $46 million, not counting Medicaid and food stamps.

SENATOR WALDON: Mr. President, may I continue.

ACTING PRESIDENT KUHL: Please continue.

SENATOR WALDON: Senator, we debated Los Angeles last year for a long time.

SENATOR HOLLAND: Yes, sir and I (talking over/unintelligible) constituents with you.

SENATOR WALDON: And we're having

this conversation again.

SENATOR HOLLAND: Yes.

SENATOR WALDON: Very politely, I may add.

SENATOR HOLLAND: Yes.

SENATOR WALDON: But there is room for error in your analysis because what you're saying is the fact that people refuse to be fingerprinted, ergo, therefore, means there's a dollar cost savings but we don't really know why the people refused.

If I understood what you said, you said they willingly came forth and were fingerprinted, but some, for reasons unknown, refused to be fingerprinted, and I ask you again, was there any survey conducted in Harlem; was there any survey conducted in the barios of the city of New York, in regard to whether people would willingly want to be fingerprinted?

SENATOR HOLLAND: No, sir. But, again, I say I don't think the people in Harlem or the barios or wherever are any different than Onondaga or Rockland County.

SENATOR WALDON: Senator -- Mr. President, may I continue?

ACTING PRESIDENT KUHL: Senator continues to yield, yes.

SENATOR WALDON: Thank you, Senator. I beg to differ with you, but we'll get to that momentarily. Were you in the military, Senator?

SENATOR HOLLAND: In the United States Marine Corps, Senator.

SENATOR WALDON: Did you willingly go into the military?

SENATOR HOLLAND: I did when I was a Senior in high school.

SENATOR WALDON: I also willingly went into the military. I don't know if you're aware of that, I joined for three years, I left the corner of Patkin Avenue and Putnam and Jefferson, those corners, and came back a man three years later, but I wanted to be in the military.

When I became a police officer, I wanted to be a police officer. When I was a

member of the postal department, I wanted to be a member of the post office, and even beyond the wildest imagination, when I became a member of this Senate, I wanted to be a member of the Senate. Might fool you, this information, but it is true. But in each of those situations I enlisted, and your term in the military it was done willingly, voluntarily, it was something that both you and I wanted.

People who are on welfare for the most part, are they not women and children?

SENATOR HOLLAND: There are men, women and children, Senator, yes.

SENATOR WALDON: But aren't the bulk of them -- (talking over)

SENATOR HOLLAND: Let me go back -- let me go back to the draft. There were people who were drafted in the military who fought on Iwo Jima, who may not have wanted to go. Some of them even ran away, went to Canada, you know some of those people. They're people who didn't want to go; there were people who were drafted to go to Inchon, Mecong Delta. They

were drafted; they didn't want to go. They didn't have to have their fingerprints taken, but they did anyway. So everybody wasn't like you and I, they did not want to go.

SENATOR WALDON: Thank God there were those like you and I, because the country still remains free and the flag still flies high.

But getting back to the point I'm trying to make, are you aware that we are now beginning to duplicate the computer system in New Jersey and New York with Social Security numbers in order to identify those who may perform fraud upon both the state of New Jersey and the state of New York?

SENATOR HOLLAND: Yes, sir, and that -- that information has been available to both states for years, and we haven't done it. It took something like this 425 people from Newark to bring it up. Yes, that's an excellent idea, but you also know, Senator, that you can go into the city of New York, probably any place else and purchase a Social -- any illegal Social

Security number for about $200, and that's how these 115 women stole $45 million from the system.

Fingerprints are different, imaging is different. You take that with you wherever you go. You don't need a card. You don't need a Social Security number. You just simply put it in the machine and the machine says you were here before or you weren't.

SENATOR WALDON: Wouldn't the Social Security number, computer capability, Mr. President -- if I may continue.

ACTING PRESIDENT KUHL: Please do.

SENATOR WALDON: -- do the same thing with regard to the numbers?

SENATOR HOLLAND: I think it would do a good job, Senator, if it was closely managed and controlled, maybe not quite as good but it would do a good job.

SENATOR WALDON: When one retires, Senator Holland, how are your Social Security checks determined in terms of amount

and who they are sent to? Is it by your finger print or is it by your Social Security number.

SENATOR HOLLAND: No, sir, but that's done over a 40-month or 40-quarter period or more, and they have time in that period to check to find out if you are, in fact, who you say you are. They don't when you come into the office for 10 or 15 minutes.

SENATOR WALDON: If I may continue, Mr. President.

ACTING PRESIDENT KUHL: Please do, Senator.

SENATOR WALDON: If tomorrow, Senator Holland, you were to have some revelatory experience which said you no longer want to be in the Senate, but you want to go into a different walk of life and you made a job application, would you necessarily have to be fingerprinted no matter what the job?

SENATOR HOLLAND: Would I necessarily have to be finger -- I don't know.

SENATOR WALDON: But would you necessarily have to give them your Social

Security number?

SENATOR HOLLAND: Probably.

SENATOR WALDON: Without a doubt.

SENATOR HOLLAND: For a check, paycheck, yes, you're right.

SENATOR WALDON: Absolutely. So the determining factor as to where money goes and where money comes in this country is a Social Security number; is that something we can agree on?

SENATOR HOLLAND: Yes.

SENATOR WALDON: Now, for the last time on this issue, Senator Holland, did anyone conduct a survey, to your knowledge, in Buffalo, the area that Arthur Eve serves, or in the South Bronx, the area that Senator Espada serves, or in Cambria Heights, Queens; St. Al bans, Springfield Gardens, Laurelton, Rochedale Village, Rosedale, Queens Village where I serve?

SENATOR HOLLAND: I'll give you all of that, no.

SENATOR WALDON: Beg pardon?

SENATOR HOLLAND: I give you all

of that, no, Senator. But, on the other hand, it's a $24 billion Medicaid and welfare budget and the DSS says, if we implement a system statewide for only $10 million of a $63 billion budget, we can potentially save $100 million the first year. You telling me that you don't want to invest $10 million to save a hundred - potentially save $100 million?

SENATOR WALDON: Well, Senator, I would -

SENATOR HOLLAND: And not hurt the people who really need assistance.

SENATOR WALDON: Well, even though I was asking the questions, I will respond to your question.

SENATOR HOLLAND: O.K., I'm sorry, go ahead.

SENATOR WALDON: We are a collegial body, and I understand the need to be cooperative.

One, I question the savings. Two, I question the rationale when people will be stuck for life with the stigmata of being

fingerprinted because they are in a situation they do not wish to be in and they are forced to be fingerprinted as the means of achieving sufficient food for their children, sufficient clothing for their children and even a place for their children to lie down at night. I really don't understand the need to stick them with that stigmata.

If I may, Mr. President, on the bill, and I thank you very kindly.

ACTING PRESIDENT KUHL: Senator Waldon on the bill.

SENATOR WALDON: Mr. President, my colleagues, Senator Holland and I have debated this issue before, and we are at variance this year as we were last year. Senator Holland most graciously came to my district on another matter, and we went all over Queens and Brooklyn, gathering information that would help he and I in our deliberations here.

Unfortunately, no valid survey has been conducted in the state in regard to home relief recipients or other people who come

to the public dole and are in need to determine their mind set. Do they really voluntarily give their fingerprints?

I would like to say this, that in the African American community and the Caribbean American community and the Latino American communities that I represent, and if the Senator wishes to question me I will yield to his questions -

SENATOR NOZZOLIO: Mr. President.

ACTING PRESIDENT KUHL: Senator Nozzolio, why do you rise?

SENATOR NOZZOLIO: Will the Senator yield?

SENATOR WALDON: Certainly.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR WALDON: I can't hear, Mr. President. I'm sorry. It's not Senator Nozzolio; he speaks very clearly and very loudly but I can't hear with the cacaphony in the background.

ACTING PRESIDENT KUHL: Can you

hear now?

SENATOR WALDON: Yes.

ACTING PRESIDENT KUHL: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Senator, are you suggesting that you would volunteer in order to provide adequate data that you are asking this house to have relative -- relative to the communities in New York City, are you suggesting, Senator, that your community should be a volunteer to have a pilot program to examine this before accepting this proposal?

SENATOR WALDON: I have no reservations about that, Senator. I think any way that we can gather valid data is a way that we, as a legislative body, should go. Let me remind you that my district might not necessarily be a good pilot project because there are many homes there which cost $500,000 and in the area of Cambria Heights, Rosedale, Springfield Gardens, the average house costs

about $250,000.

To conduct a valid survey, you would have to go to the South Jamaica district which I no longer serve, although it's in my Assembly District and Congressional District, and go out to the Rockaways, but I would say that the people in my area trust me sufficiently that, if I suggest to them that we have a valid survey which would help the people of the state of New York and this legislative body in its deliberations, that we should have it, they would submit to it.

SENATOR NOZZOLIO: Senator, if you would continue to yield.

ACTING PRESIDENT KUHL: Senator Waldon continue to yield? He does.

SENATOR NOZZOLIO: Thank you. If we make this applicable to the entire borough, if not the entire city, and if that's the case then, yeah, not make it applicable to the entire state because that's what we're suggesting.

SENATOR WALDON: I would have no reservations about that if it were cost

effective and I have no reservations about any survey which is fair and equitable which does not single out a certain people, which does not stigmatize a certain people and which, when the results are collated, gives a valid determination as a result of the data gathering.

ACTING PRESIDENT KUHL: Senator Waldon, you still have the floor.

SENATOR WALDON: Thank you, Mr. President and thank you, Senator Nozzolio, for your questions.

I believe that the stigma placed upon people who are forced to be fingerprinted is perhaps beyond the feeling level of many of my colleagues. Simply because I have been black all my life, I have lived and worked in these communities all of my life. I can recall my experiences as the Deputy Commissioner of Human Rights where the subleties of discrimination ruined lives, ruined people in a psychological sense, but perhaps more importantly and validly, my recollection is as a young police officer

when I saw people put through the trials and tribulations of racism in this state, not always was the case being that every action that I viewed, and I'm not talking about police actions necessarily, was racism but I can tell you, my brothers and sisters in spirit and in fact, that there are people who tremble in their boots when they have to submit to a fingerprint, not because they've done something wrong but because the history of racism in this country has caused them to know that to be fingerprinted is to be the same as someone who is a criminal and to have that kind of name to accompany them for the rest of their lives.

I think we can do it better. I think we can do it with the computerization capability that we have today and just the utilization of Social Security numbers. Also, if the projections were valid, meaning if it were a survey even upstate that actually found people who were fraudulently defrauding the state of New York, I might be inclined to go along with it. But I believe the data shared

here today was somewhat skewed, that it was not valid in terms of the money that would actually be saved, and last year you may remember, Senator Holland, I had great disagreement with you regarding the data from Los Angeles. It was not, from my awareness of the information I received, valid and I say the same thing is existent today.

I don't know why we have a need to punish a mother who happens to be in a difficult situation and her children by finger printing them. I think we can do it better. I believe that, as a state, we're better than that. I don't see the need to fingerprint people because like when I was a police officer and I willingly locked up many people, I was a very active cop for those who did the wrong things, but their fingerprints and their mug shots remain forever, and this little finger print of a mother on welfare trying to take care of her children will remain with her forever, and I think we can do better than that.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Holland.

SENATOR HOLLAND: You know that this is confidential and only within this system, not to be shared with anybody else. You know that?

SENATOR WALDON: Senator, I read the information on the bill, and I do know that there are fingerprints of a person only when you've committed a crime and to law enforcement agencies is supposedly confidential, and yet everybody has access to them. If this country were fair in that regard, it wouldn't be a problem, but historically it has been unfair.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I rise to support Senator Holland's effort today and would wish to talk a little bit about this issue because I think Senator Holland is on the right track and for

the life of me, I can't understand why, when we have a program that is actually going to cut down on fraud, that a social program where we're trying to help people cannot be implemented in this state.

You know, the statistics are there, and I respect the fact that Senator Waldon has some question with the various statistics but there are statistics and proof that we can talk within our Social Services Department now, and they talk about fraud. Let me just cite a couple to you.

You know, they tell you stories of how an individual just recently had a picture on an identification card and used that person's same name and was receiving benefits from two or three different outlets in New York City and they still kept the same picture on the card, but they changed the name each time they went in, and the system continued to produce benefits. If finger imaging -- and I stress finger imaging -- was in place, finger imaging would have prevented that.

There's the case where the woman several years ago, there were several women who actually, I believe, took us to the tune of about $7 million who were actually coming up and had different types of Social Security numbers, so the Social Security number system, although we use it for everything in our state and in our country, is not fool-proof.

I believe the fingerprinting would be much more fool-proof because I think it is much more difficult to duplicate one's fingerprints, and the whole concept of finger printing, I think people just are relating to the -- to the ink blotter and putting your thumb on an ink blotter and putting that print on a piece of paper.

This is electronic imaging. This is a scan, no different than what they do in a grocery store when the package comes through and they put the electronic scanner over it. It is just hard for me to understand that, while we're trying to develop a system, where they're trying to help people and in many cases some of these

people cannot help themselves, that if we can save money, as Senator Holland is talking about of up to $100 million, why we don't do it, because why should we allow those who are committing fraudulent acts and committing fraud to continue to do it in our system?

The taxpayers of this state work very hard, the working people work very hard, put dollars into the coffers. They pay the taxes that are imposed upon them in this state and all they're asking us to do is lookit, if we have to have social service programs, and we do and I support many of them, then let's make sure those who are cheating the system are taken off of the system. I don't think that's an unfair request. I don't think that's an unfair request at all.

I agree with Senator Waldon when he says that many of these people did not choose to be in the situation, but I also disagree when I believe that some of those people choose to be in a situation they'd just as soon be on public assistance and defraud the system and cheat the

system and those are the people we want to go after. I don't want to go after an individual who needs public assistance to feed his or her family, that needs public assistance to take care of the children, but I do want to go after the person who is cheating the government and is taking additional supplemental aid out of those pockets of the people who need it and deserve it.

This is the real issue here. We're going after frauds. We're going after people who cheat the system. That's the issue. Now, my children were fingerprinted when they were in first and second grade because they said that this would be a good way, God forbid, in case anything ever happened to them kidnapping or abduction, that they could track them down, that they would have some assistance in finding them.

We did it. We didn't worry about it. We didn't question it. We knew that those fingerprints would be kept confidential. Again, I strongly disagree with that whole concept. I

don't think it's degrading to be fingerprinted. I don't see the problem in it. And again it's electronic imaging. It's an electronic scan that is literally going to keep those people from coming back who are cheating our system.

That's the real issue here, and I would just want to conclude my comments by saying that this is something that I know the majority of the people of this state want. I know that this house has worked very hard and passed it last year and hopefully will do it again today, and I only wish that the Assembly would at least put the bill on the floor so that it could be discussed because the real issue here is going after fraud. It's not taking benefits away from people who need it.

ACTING PRESIDENT KUHL: For the members' information, the Chair is keeping a list. There is currently seven Senators who have requested to speak. The list is as follows: Senator DeFrancisco, Senators Padavan, Nozzolio, Galiber, Gonzalez, Smith and Leichter.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President.

The debate on this bill is much the same as it was last year, and there appears to be an attempt to make it sound like the people on this side of the aisle are somewhat mean-spirited. The poor, the women, children, those who don't have the ability to stand on their own and they need some support from the community, are the targets of this bill.

You know, nothing can be further from the truth. There is simply no way that this state can continue to fund the social services programs with the escalating costs that have been occurring over the past several years. Just four years ago, 27 to 28 percent of every dollar spent in the state of New York was spent on social services. This year some four years later, it's 38 percent, approaching 40 percent. If that continues without something - without something occurring that's effective, those women and children that we are all

concerned about simply are going to have to get less benefits, less assistance and, quite frankly, less people will be eligible because there's only so many dollars.

That being the case, we are also concerned about those other needs in the state at that same time, education went from 27 to 28 percent in those four years down to 20 percent, education spending in this state, and all of us have the education communities coming to us and demanding more funds so that we can resolve the problem on the front end by education rather than on the back end by providing support for the uneducated.

There simply are insufficient funds, so if we are truly concerned about those who are truly in need, we've got to protect those assets that we have and it's as simple as that. I'm not going to say that taking an image off a finger of someone, a photograph that's used in the scanner system is not an impingement on someone's rights. Some people may feel it's wrong, some people may be offended. Some people

may, in some way, feel that this is just not the right way that a civilized society should operate.

Well, everyone has their opinions on everything, but in every one of these situa tions, it's always the question of balancing, balancing what we gain by it against what we lost by it, and I think the balance is clearly on the side of this process, a finger image, not a fingerprint, to protect the monies that are there to fund those who are truly in need.

It's the best system that we can derive so far, and I think it's a system that should go statewide. Being from one of the counties that have had the experimental system in place now, I can state with certainty that those people in Department of Social Services want this to continue; in fact, I've been called many times asking what if the statewide bill doesn't run. Are we going to be able to continue our pilot program next year? We have to know. We're saving money. You at the state won't take over all of our funding of these

programs. Therefore, we've got to know because we're losing it in our counties, and I assure them that some form for Onondaga County would take place, and I would certainly hope that the same would be true throughout the state.

The momentum is building. The Governor is even talking about it this year. The Comptroller, a cross-section of people that maybe are starting to jell towards the thought that the benefits outweigh whatever of detriment there might be in this particular program.

ACTING PRESIDENT KUHL: Senator Gold, why do you rise?

SENATOR GOLD: I just wanted to know if the gentleman would yield to a question.

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR GOLD: Senator, just one comment or question really. Crime is a problem in this state. Everybody acknowledges that, and don't you think it might help us dealing with crime in general if we had a fingerprint bank

that encompassed everybody in the state and might help in the investigative processes? Would you be opposed to fingerprinting every citizen? That way, I'm sure the good citizens, the innocent people certainly wouldn't care about giving up their fingerprints if it helped the general issue. But would you support fingerprinting every citizen if we had that bill available?

SENATOR DeFRANCISCO: Well, if a bill was on the floor for that particular issue I would need to see the wording of it, study it and make a decision on it. The issue in this particular case is whether we are going to support this particular proposal.

First, fingerprinting everyone wouldn't offend me, wouldn't offend my family to have their fingerprints taken. I had them taken when I went into the military. I was one of those patriotic individuals such as Senator Waldon and Senator Holland that volunteered and, believe me, it hasn't changed my life at all and, if that were proven by studies like we've

had in this particular case that this is an effective deterrent, I would consider it, but since it hasn't been placed in a bill form, since it hasn't been studied carefully, I can't give you a definitive answer.

SENATOR GOLD: Will you yield to just one more question?

SENATOR DeFRANCISCO: Sure.

SENATOR GOLD: Will you consider sponsoring or co-sponsoring a bill that would require everyone in the state to be finger printed?

SENATOR DeFRANCISCO: I would support any bill that would support a situation where law enforcement officials would be benefited and we could cut the crime rate. Now, whether I would support that bill I'd have to see the exact wording of the bill, I'd have to study the bill and then I'd give you an exact answer on that like any other bill.

And may I ask you a question, Senator Gold; would you yield?

SENATOR GOLD: No.

ACTING PRESIDENT KUHL: Senator DeFrancisco has the floor.

SENATOR DeFRANCISCO: O.K. I'll wait until he has the floor.

So, in conclusion, I would strongly urge all of us to vote in a bipartisan manner so that there will be sufficient funds for those truly in need, not only in public assistance but also in the other programs that all of us want to fund in this state and support this finger imaging bill statewide.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

Late last year or during calendar year 1993, the Cities Committee undertook an initiative involving immigration. Our primary goal was to determine the economic impact on the state, city of New York and its political sub divisions, particularly the city of New York, with regard to this issue. Much of that time centered about four major categories, one of

which involved social services.

During the course of our work, we conducted a number of hearings and on one particular day we had the benefit of the presence of the Welfare Inspector General, Mr. Elmer Toro, who came before our committee to talk about immigration and its impact on the social services system. His testimony largely dealt with illegal immigration, and I would like to share with the members of this body some of the specific points and conclusions reached by this man whose responsibility is wholly and entirely to deal with welfare fraud. I can't nor would I take the time to read all of what he had to say, but again I'd like to share with you certain parts which I think are pertinent to our discussion this afternoon.

It is very, very simple to obtain American documentation, an I.D., thereby facili tating entry into our welfare system. Welfare applicants are seldom investigated. The system is not set up to do this. There was a recent case, Mr. Toro tells us, and I think Senator

Holland referred to this, in New York City. 112 people were indicted on a major $45 million fraud here in New York City. I believe that up to now 77 have been arrested. All of them were foreign-born. Five of them were illegal aliens, and here's the part I want you to pay attention to. They had in their possession all fraudulent identifications, Social Security cards, licenses, birth certificates, and so on, all of them.

So I think the case is made very concisely here that what Senator Holland and others are telling us is that we have a significant problem in the city of New York and other parts of the state where you can get any document you want and, according to the Welfare Inspector General, tap into our social services system without any effort.

Now, regard to the specific issue, and again Mr. Toro talked about, I quote, "They're entitled to welfare, Medicaid, so on. A person is home free because most of the time the intake person is not really qualified to

read that documentation and to tell whether that person should be investigated and, of course, we don't have the investigative bodies in place.

"Last year," and here is the part that I think is particularly pertinent, "through the efforts of the Senate, we received what is called finger imaging, a permanent identification system, and we're in the process of implementing that. We must be able to have a system in place that most applicants -- elimin ating the very, very obvious -- should be investigated because what happens is they can go to Bronx County today, they can go to Rockland County, to Nassau -- Nassau-Suffolk the next day and open up three different cases by just putting a deviation of the name, the spelling or just changing one digit in a Social Security system. If we had fingerprinting in place, I believe that would eliminate that almost entirely."

Now, again, I repeat, this is input from a state office, from an appointee who does a job that we put him in place to do and

these are his conclusive observations. INS tells us there are a half a million illegal immigrants in New York State, 80 percent of them in the city of New York, and the Inspector General is telling us, citing just one case, that all of them have fraudulent documents from A to Z and all of them tapped into the system with ease and that finger imaging would, I quote, "entirely eliminate that problem."

It seems to me that faced with that kind of input and all the other things that Senator Holland has worked so hard to generate, the reports from other jurisdictions, that we have no choice but to do this, because if we don't, we deny all of the people of the state, those who legitimately are in need of public assistance, our educational system, all of the various areas which we now at this point in time are struggling to respond to with limited resources, we have an obligation, I think, to see that illegal aliens and others are not ripping us off, ripping off the taxpayers and taking those funds and using them in a fashion

that we do not wish them to be used for.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Mendez.

SENATOR MENDEZ: I was wondering if he would yield for a question.

ACTING PRESIDENT KUHL: Will you? Would you yield to Senator Mendez?

SENATOR PADAVAN: Yes.

SENATOR MENDEZ: Senator Padavan, you mentioned that there are 500,000 immigrants in -

SENATOR PADAVAN: Illegal immigrants.

SENATOR MENDEZ: -- New York City.

SENATOR PADAVAN: New York State.

SENATOR MENDEZ: In New York State, and 80 percent of these illegal aliens are in the city of New York. You had also mentioned that there were, in the case that you mentioned there were about a hundred and -- a

hundred and -- or so illegal aliens, so that the percentage -- wouldn't you say that the percentage of illegal aliens in this instance in the city of New York as compared to the total of 80 percent of $500,000 is very small, wouldn't you say?

SENATOR PADAVAN: Senator, no, I don't. I mean we have a city of roughly seven and a half million people and by -- and again that information was provided to our committee by the Immigration & Naturalization Service, as a very conservative estimate. There are other estimates that far exceed 500,000, go even beyond that, but take the very conservative estimate and if 400,000 of them are in the city of New York, which is roughly four out of five, 80 percent, out of a city population of seven and a half million, I would say that's a significant number.

SENATOR MENDEZ: No, but, Senator -

SENATOR PADAVAN: Now, but what Mr. Toro -- just to answer your question fully,

Senator, what Mr. Toro referred to was 112 that were caught, but the instructive part of what he provided here was that they all had fraudulent documents, Social Security cards, birth certificates. You may have read in the paper just last month where they arrested nine individuals in Queens who had a factory in a house where they were churning out all of these documents, the printing operation, selling them for hundreds of dollars to individuals who were using them for a variety of reasons, including social service applications.

SENATOR MENDEZ: But, Senator, the one I'm referring to is, if there are 120 or so illegal immigrants who were caught with fraudulent papers and who have abused the welfare system, 129 from 500,000, that is a small percentage.

SENATOR PADAVAN: No, Senator, I have to correct you. You're wrong.

SENATOR MENDEZ: That is a -

SENATOR GALIBER: Point of order, Mr. President. Point of order, Mr. President.

ACTING PRESIDENT KUHL: Senator Galiber, why do you rise?

SENATOR GALIBER: I'd like to hear the debate, but if the question is asked and the person not given the opportunity to answer it and vice versa, without interruptions, we're missing a very important part of this debate.

ACTING PRESIDENT KUHL: The point is well taken, Senator Mendez.

Senator Mendez, would you run your questions and answers through the Chair, please?

SENATOR MENDEZ: Yes.

ACTING PRESIDENT KUHL: Senator Padavan continues to yield.

SENATOR MENDEZ: Yes. The question is a very simple one. Now, you can answer it yes or no. The question is, would you say that 129 people who are illegal aliens and were caught with false documents, 129 out of 500,000, wouldn't you say that that is a small percentage?

SENATOR PADAVAN: Senator, I tried to correct your question because I can't answer it in the manner which you presented it. I -- I presented -- shared with you the testimony from Mr. Toro. There were 112 people arrested. Five of them were illegal aliens, O.K. 112 people arrested for fraudulent applications for social services totalling $45 million. Five of them were illegal aliens, but what Mr. Toro tells us is that the illegal aliens had in their possession fraudulent documents.

You see, the point of the matter here is that of the 112, all but five were not illegal aliens, they were residents, but they were participating in fraud. That's what Senator Holland was sharing with you, and I pointed out based on his input that five of them were illegal aliens, but the significant part of that testimony is that they all were able to obtain fraudulent documents from Social Security cards to birth certificates without any trouble at all.

SENATOR MENDEZ: Thank you.

ACTING PRESIDENT KUHL: Senator Mendez, are you asking Senator Padavan to continue to yield?

SENATOR MENDEZ: No, he didn't satisfy my question but anyhow, I think that the reason why -

ACTING PRESIDENT KUHL: Senator Mendez, there are other people -

SENATOR MENDEZ: Mr. President.

ACTING PRESIDENT KUHL: -- who are on the list. If you'd like to speak, I'd like to put you on the list.

SENATOR MENDEZ: Just let me mention something: The reason that I asked that question is that there is a rebirth of nativistic feelings, and illegal aliens as well as immigrants of any -- of any country are being viewed upon in the wrong light, so that we shall speak about that at a later point.

But nevertheless the percentage of those illegal aliens that are using the system in the wrong way, 112 out of 500 illegal

aliens, that is a very small percentage.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Thank you, Senator Mendez.

The Chair recognizes Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

On the bill. Mr. President, my colleagues, I rise in support of Senator Holland's bill to establish a finger imaging program in an effort to ferret out welfare fraud and abuse.

What this bill does not do should be emphasized at the beginning. This bill is not meant in any way, shape or form to be punitive. It's not meant to stigmatize. It's not meant to punish. It's not meant to embarrass.

What it is meant to do is to bring a handle on a welfare system that has already been discussed during the course of this debate as being far out of whack. What this

bill does do is focus on one single program of welfare, and that is the home relief program, a program that New York still maintains, the taxpayers of this state still subsidize, a program that most states have already eliminated.

Of those states that do have home relief, all of the states but New York have put a limit on the home relief program. Connecticut says a nine-month limit. Minnesota, New Jersey and Ohio say six-month limits. Pennsylvania says three-month limits. New York says you can be on home relief for your entire life.

We're focusing on one single aspect of the welfare system, one program, home relief, and asking each of our colleagues to come together and support a program that will provide proper identification, will be able to ferret out those who are defrauding the system, who, even under our very liberal standards, allow fraud and abuse to take place. Senator Holland mentioned those, mentioned those with eloquence, in detail.

I'm not going to amplify that, but I would like to talk about the issue of fingerprinting, an issue that many who oppose finger imaging for those participating in welfare, stated that it stigmatizes and punishes.

I think the facts state the contrary. I counted up in our laws of the state of New York, there are approximately a hundred incidents in our own laws that require finger printing for identification purposes, at least a hundred statutes in our body of law that require people participating in various activities of this state to participate in.

First, in order to obtain a license or a benefit or a profession, they are to participate first after identifying themselves through finger imaging. I think it is extremely telling that, in one section of our law we actually require those mothers and new born infants who supply identification, section 10 (c) of the New York Code 405.21 requires the footprints of every child born in this state to

be supplanted on the birth certificate in order to identify.

There's no stigma in that use of identification, and there's no punitive intent. It simply is an identification tool. Hundreds of other elements resulting in over a million people each year being voluntarily finger printed in this state. We need to remove the political stigma that those who don't want any change in the welfare system are trying to establish.

I believe you're well intentioned. I believe you're sincere in your characterizations, in your own mind, but I don't believe you're doing any service to the taxpayers or to those who are receiving welfare because those who are receiving welfare should be doing it only under honest procedure. If those who are receiving welfare are doing so dishonestly, I would hope that you would be the first to tell them to get off the welfare roll so that those who are on the roll can ensure that they'll receive continued benefit.

Ladies and gentlemen of this house, we need desperately to reform the welfare system. There are many, many ways to reform that system. There are many proposals that Senator Holland, as chairman of the Social Services Committee, has recommended of. We will debate those throughout the course of this year in an effort to bridle the costs of the largest single growing program in this state budget from 26 percent of the state resources five short years ago to 42 percent of our state resources today -- an unconscionable growth, one that you all must recognize needs reform. A way to stop some reforms -- to stop some abuses in one part of the program is to support Senator Holland's bill, a bill that takes a good step in the right direction of ferreting out fraud and abuse. Not to punish, not to stigmatize but to kick out those who are trying to cheat the system.

How could you vote against this bill? How could you favor cheaters taking welfare money away from those who truly need it and truly deserve it?

Mr. President, that's why I support this measure and urge my colleagues to do the same.

Thank you very much.

ACTING PRESIDENT KUHL: Ladies and gentlemen, the chair continues to have a list. We're an hour in the debate. There are seven people remaining who have asked to speak: Senators Galiber, Gonzalez, Leichter, Hoffmann, Wright, Smith and Rath.

The Chair recognizes Senator Galiber.

SENATOR GALIBER: Thank you, Mr. President.

I listened very carefully to this debate last year and certainly this year, and I think there is a sense of need for reform. I don't think anyone within the sound of my voice would say no, we don't want reform. We've been trying to do this for some time, and those who would suggest that those on this side are liberals -- and I'm not quite sure what that means any more, these labels that we talk about

-- but let me step back in history just a bit and talk about an occasion, Senator Holland, when I worked with W. T. Smith when we had the temporary commission on welfare -- social services/welfare because it wasn't even social service in those days.

We went out to a place called Lansing, Michigan, and they had a computerized system out there where everyone had a number for whatever the services may be, food, whatever, and third-party beneficiaries were paid in 90 days. People were not cheating because they had an identification number. They called it into a central area so that fraud, little as it is or great as it may have been, was avoided.

We came back and then Governor Rockefeller was the governor of this great state of ours, and we suggested that he look into the possibility of computerizing, and those of us on this side from the city of New York, persons, volunteered and suggested -- not volunteered, suggested to the Governor that to use New York City as an example, and the Governor agreed and

somewhere along the line, interestingly enough, I have an old expression if it's only 57 people in the world that live long enough, they're going to come back, and he had a contract or an agreement with a fellow named Perot in Texas - same guy -- he was going to set up the computerized system in the city of New York or state of New York. From here to there something happened, and it was canceled out.

We are willing to reform. What has suggested -- been suggested here and in this report that you have, we don't have enough time, we don't have enough time. We've had this experiment and there's been recommendations made to extend it for another period of time. That seems reasonable. This was back in 1973 when we wanted, in the city of New York to go on computers.

So to suggest to some of us that we are soft on cheats, soft on fraud, soft on those persons who will beat the system, not so, not so. We are as concerned, Senator, as you are.

It's the state of mind that's involved here, and that's why we can't come to any agreement because it's a state of mind. Why do you want to do this? In your heart's heart are you talking about the few cheats that you found if they were cheats?

Can we speculate and say, because people don't show up, that they, if they had showed up, there would be cheats? And the answer is no.

Can we suggest that some believe in America, believe in the Constitution, believe in basic -- basic rights and are offended - offended by asking them to be fingerprinted? There are an awful lot of people in that category, Senator, and the recommendations that you have read them as I have, suggested that we need some more time on this, and I know of your sincerity, and I don't have to massage you to get my point across because I know where you're coming from.

The point of the matter is that we do not have a valid test. We've had some

experiences in California; you've got the reports, you know them better than I do. I read them all; you know them because it's part of your study, and you've done a great job in studying them, with little results.

We're talking about people who, because of the unemployment, may no longer need it and because they don't show up doesn't mean that they're cheats. It means that the indexes have changed, the employment rates have changed, so there's that possibility.

Senator, it's a state of mind, and we can't change that. We can change practices, but not states of mind.

We know of a horrible, horrible, horrible historical occasion in Germany during a horrible, horrible, horrible regime where they put yellow arm bands on people to identify them and they suggested this is not too bad, it's only for this particular purpose. History has recorded what happened in those instances.

We have wrapped, as I have said, yellow ribbons around trees here in America to

bring our youngsters back home who fought so valiantly for this great country of ours. State of mind, Senator.

What are you really after? Not you personally. What are you trying to get at? You save six hundred-and-some-odd thousand dollars or six hundred-and-some-odd thousand, six hundred-and-some-odd thousand dollars in an experimental program. That's merely a member item, merely a member item.

SENATOR SMITH: I'll take it.

SENATOR GALIBER: For someone on your side of the aisle. And I would quickly take it if I had the opportunity on my side of the aisle.

Why do we want to go through this by suggesting because we think we have saved six hundred-and-some-odd dollars -- six hundred-and some-odd thousand dollars, that those persons are cheats and we're going to save $100 million? $100 million. The state of mind, Senator, what I'm making reference to.

Senator Moynihan and I are very

good friends, and he got into some difficulty some years ago along with another fellow that wrote MELTING POT and talked about "benign neglect", not about all those persons who came to this great country, came to this great country and merged into a system without the technology.

Now, we see we have technology and somebody came over with false credentials. Do I justify it? The answer is no, but the melting pot became part of people coming into this country and the cheats that we're talking about are few in number. We want them as bad as you do. But let me tell you what you do.

You do a political thing on us. You suggest now that if you don't vote for my piece of legislation which hasn't been truly tested, has not been truly tested, that you are in favor of those persons who are cheating the system. All of a sudden, I hear from your side of the aisle that you want to increase the benefits of those persons who have not been - their benefits have not been increased for a

good six or seven or eight years.

Concerned about it. These cheats, this six hundred-and-some-odd thousand dollars that we've allegedly saved, you know how far that would go to increase the benefits of those persons who are on social service? That's where you're coming from, Senator, with this, your side of the aisle, and I'm suggesting to you that this certainly is not the way to go.

We certainly have to go in the right direction. Senator Moynihan, as I mentioned before, in 1993 or '94, is not as bad a guy as he used to be as far as his position was concerned. Some understood, some misunderstood wherever he's coming from.

The fact of the matter is that we have been saying for a long, long time, that we need this kind of reform. But they're recommending here, give it another year. You'll be back next year, I'm sure of that. Give it another year. Follow the recommendations. Someone said, well, fingerprinting, what difference does it make? Want to fingerprint us

all? I agree with you so let's all get fingerprinted.

Now, the state of mind, but once there's hesitation in saying "let me read the bill." Don't read the bill, all of us be fingerprinted. No objection. It's a state of mind. What is your intent?

And that's the problem. I have a wife, Senator, and we've been married 47 years. She may be listening, and may not be listening. She said, "I'm a provider, I worked 30 years in the social service department, fingerprint me. What's wrong with them being fingerprinted?" We have a difference of opinion as to how we should approach this. State of mind.

You want the cheats caught, yes. I want them? Yes. Do we want them? Yes. No question about it. We object to the process. We object to not being fair. We object to you not giving an opportunity to see whether it really works. This thing can wind up the cost administratively, can cost more ultimately than the benefits.

Now, if you want to create some jobs, and we're saying, Well, we can't build any more prisons, but if you want to create some jobs, let's pass this piece of legislation. Let's fingerprint. Let's look for the cheats. Let's look to go back to the old system. Let's go into people's houses, look and see whether there's bedroom slippers underneath the bed. Let's go through that whole process again.

We got rid of it. It's a simple proposition, Senator. All we have to do is go by the recommendations and study it. One more time, note ad infinitum, another occasion. One more six months, one more year. No problem. No one is hurt by it as far as the fingerprinting is concerned.

I agree with Senator Gold, say let's all get fingerprinted, let's all get fingerprinted. No problem, but to fingerprint again is dangerous -- dangerous when you start isolating, and someone said, Well, it will only be used for social service purposes.

That's not so, Senator. That's

your intent. That's what you believe, but that's not so. Any fingerprinting, any technology attached to it, goes in a central file in Washington, never to be returned; never, never to be returned, whatever the case may be.

So, Senator, I'm voting against this bill and I'm saddened somewhat because the inference being that if we vote against this bill that somehow we go back to our districts and they'll say you're soft on the social service people.

I haven't got that concern. I haven't got a courage badge with oak leaf clusters. I just believe in certain things as you do, and the state of mind here, I suspect, is not the proper state of mind. It's not the yellow ribbon wrapped around a tree, but it's a yellow ribbon wrapped around a country for identification purposes.

That, in my judgment, is the state of mind. I think there's another way to do it, and I think this is a bad piece of legislation, well intended, but we can go back

and study it for another term as was recommended.

Senator, will you yield for just one question?

ACTING PRESIDENT KUHL: Senator Holland, do you yield?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: The Senator does.

SENATOR GALIBER: Waiting for direction.

SENATOR HOLLAND: O.K.

SENATOR GALIBER: Senator, I've been advised that we were going to ask for a -

ACTING PRESIDENT KUHL: Senator Holland, he's reconsidered his thought.

SENATOR GOLD: Mr. President.

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Can I request of the Minority, we're going to recess for one

half hour until 2:35. I would ask that the Chair retain the list, if Senator Galiber would like to be first on the list when we start.

SENATOR GALIBER: I wouldn't have it any other way.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold, do you have an announcement?

SENATOR GOLD: Yes. I just want to be very candid. I mean, Senator Present, everybody will agree not to quote me on this, has been an absolute delight to work with but up to -- and I don't want to mislead anybody, we're breaking for the purpose of a conference. I don't know how long it will be. I hope we can be within the half hour, but I don't want it coming back at me that I somehow committed the Minority Leader to a half hour.

So I appreciate that we're breaking for the conference, Senator. We'll do it as quickly as we probably can.

SENATOR PRESENT: All right.

ACTING PRESIDENT KUHL: The

Senate stands in recess for one half hour.

SENATOR PRESENT: Until 2:35.

(Whereupon at 2:06 p.m., the Senate recessed.)

... At 4: 31 p.m....

ACTING PRESIDENT KUHL: The Chair recognizes Senator Present.

SENATOR PRESENT: Mr. President, I would like to announce we're about to reconvene the session.

Senator Galiber will have the floor, and I would urge all members to head towards the chambers so we can get started.

ACTING PRESIDENT KUHL: The Senate will come to order.

Senator Present.

SENATOR PRESENT: Mr. President, we recessed at about 2:05, started out for a half hour. We extended that now a considerable length of time, so I would suggest we start the session and take up the bill we left in the middle of a debate and read off the names who you have on your list in the order that you've taken them, and any additional ones that may have been added.

ACTING PRESIDENT KUHL: Thank you, Senator Present.

The Chair would would remind the members that we are currently debating Calendar Number 233. That debate started at 12:50, and was adjourned temporarily at 2:05 so we're an hour and 15 minutes into the debate.

Senator, when we recessed, Senator Galiber was on the floor. I would call on Senator Galiber but I don't see him here. We still have one, two, three, four, five, six, seven people on the list that the Chair is running.

The next would be Senator Gonzalez. Not seeing Senator Gonzalez, Senator Smith. Senator Smith not being here, Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President.

I'm happy to rise in support of Calendar 233, and I'd like to take the opportunity to just share briefly with my colleagues the perception as one central New Yorker.

ACTING PRESIDENT KUHL: Senator

Hoffmann.

SENATOR HOFFMANN: I'm sorry.

ACTING PRESIDENT KUHL: May I interrupt you, please?

SENATOR PRESENT: May I interrupt you, Senator, just for a moment?

Mr. President, may I have the last section of this bill read and allow Senator Goodman to vote?

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Goodman.

SENATOR GOODMAN: Aye.

SENATOR PRESENT: Withdraw the roll call and continue with the debate.

Thank you.

ACTING PRESIDENT KUHL: The roll

call is withdrawn.

Senator Hoffmann, thank you for your indulgence.

SENATOR HOFFMANN: You're very welcome, Senator Present.

One of the two counties involved in the experiment of the finger imaging project is Onondaga County which I represent, along with Senator DeFrancisco, and I would just like to share with my colleagues the very positive reaction that the people in Onondaga County who were involved with this project experienced.

There were a large number of people who chose not to become re-certified for their benefits rather than go through finger imaging. Although, there can be no clear explanation in each one of the instances why the individuals chose to voluntarily withdraw from a program, the assumption has been made by Onondaga County officials that some individuals who were involved in fraudulent activities recognized that the finger imaging would have very definitely exposed them, and that rather

than go through the process of exposure and the subsequent criminal charges, they simply faded quietly off into the distance of the night.

I think this shows an advantage for several reasons: First of all, it eliminated those fraudulent individuals from the welfare roll in this instance. It also alleviated the need for a protracted investigation of welfare fraud. Again, a considerable savings in tax dollars for the people of Onondaga County. We're used to reading in the newspapers and seeing on television about once a year or once every 18 months, a big herding up of people who are arrested for various types of welfare fraud. There's usually a dollar figure associated with the amount of money that has been allegedly stolen from the taxpayers through this procedure, and umpteen individuals are herded through the criminal justice system. Their pictures are flashed across the 6:00 o'clock news in the evening and eventually some of them are sentenced to jail or are subject to other

criminal sanctions before their being -- before they are ultimately removed from their number of welfare programs.

All of this costs the taxpayers money. All of it is a drain on the whole legal process. All of it wastes resources which could be better applied in other areas in terms of investigations, in terms of criminal justice and, obviously in terms of the welfare process itself.

Now, I know that many people have mistakenly used the phrase "fingerprinting" instead of finger imaging, and I would like to make my position absolutely clear where fingerprinting is concerned. I believe I owe that to the people of the 48th District and for the enefit of a few of my colleagues who may still be debating in their own minds how they would like to pursue this issue.

I have a very strong position against the use of fingerprints as a routine way of maintaining track of American citizens or any sub-category of American citizens for the

purpose of making those citizens suspects in a criminal activity, and I emphasize the use of the word "routine" because I know that there are several instances where people have been fingerprinted for a specific purpose, gun registrations being one, the draft being another, now the volunteer military service, of course, having replaced it, but I am very concerned whenever I hear about a large category of individuals simply being routinely fingerprinted so that they can be regarded as suspects without ever having been in any way linked to a criminal activity.

For that reason, I have voted against a number of measures when they were brought to this floor, such as fingerprinting school bus attendants. I think it's an imposition to small towns in my district which hire school bus attendants, many of them senior citizens, housewives, people who are temporarily unemployed from other positions or people who have the ability to do a part-time position in addition to their other full-time work. I think

it's very unfair to people who apply for a job to be routinely cast in the light of suspects in a criminal activity and subjected to fingerprinting on having their fingerprints go into a major computer operation, hooked in possibly nationally, where they will routinely be screened every time a crime is committed and fingerprints are scanned, and they, in effect, are suspects. I don't think that that's right.

I do not believe in stigmatizing any category of people and charging them of a criminal activity or suspecting them of a criminal activity for no just cause.

The situation with the finger imaging situation is very different. The finger imaging, first of all, is non-invasive. It has none of the stigma of the five prints on your right hand, five prints on your left hand in ink on paper. It has none of the historic association with criminal fingerprinting. It is no ink. It is a simple scan. The analogy has been made with the bar code scanner in the grocery store, and I think that's very

applicable. There is nothing that leaves a person who has been through finger imaging with any reminder on his or her anatomy that they have been subjected to something that we associate with criminal activity, namely, the old-fashioned ink style fingerprinting, nor are those fingerprints part of a national data bank which would then be used in scanning for suspects for crime.

The purpose of the finger imaging is limited to the protection of the welfare system to prevent fraud in the welfare system, and thereby to ensure that the maximum amount of resources available in this state to people who are in need go to those people in need and not be allowed to be diverted by fraudulent activities to people who are not in need.

I don't think that this is a tremendous infringement on the rights of people who collect welfare in one form or another in New York State, and I can tell you that in Onondaga County we have not had any widespread opposition to the experiment. Most people are

proud of the fact that we have now demonstrated a savings in Onondaga County of approximately $500,000 during six months of the experiment with an additional uncalculable amount in avoided costs because of people who chose not to apply for welfare benefits in Onondaga County knowing that they would have been detected for being fraudulent.

I read a number of years ago an interesting book called "King of the Gypsies", and it described how in the 1970s or the '60s, a particularly creative family that knew a great deal about criminal activity, had managed to utilize the welfare system to a multi-million dollar benefit by having members of that family simultaneously apply for welfare benefits in several different cities and in several different states, and with great detail, the whole procedure was described whereby women, usually young women with several children, would apply simultaneously in Boston and New York, in one or more boroughs, in Philadelphia, Trenton, Newark, other cities, and then they would fly

around to these cities, sometimes on first class seats, they would fly around on a designated date for the re-certification process and during that time, they would go through whatever was routinely required of them to maintain their certification, and they would collect hundreds of thousands of dollars a month in illegal welfare benefits.

Now, granted, those cases may be few and far between, but when they occur, they sometimes occur with that degree of violation of the system, and the commensurate violation of needs of the people who should truly be getting welfare benefits.

I believe that if we can continue to protect a diminishing source of funds in this state -- our pot of money is not bottomless and it is being pressed in all directions at all times -- our responsibility is to those people who truly need welfare benefits in this state. If we can protect our ability to meet those needs by preventing people from taking fraudulent advantage of that system, I believe

we should do that, and since we are able to do that very clearly without violating the rights of welfare recipients by not doing anything that casts any criminal aspersion on them, that I believe we have that obligation. To do any less than that, becomes an unfair statement to the taxpayers of this state. We cannot continue taxing people of this state and not take reasonable and prudent actions to protect our ability to serve the needs of those who truly need it and to prevent other people from taking unfair advantage of the system.

Thank you, Mr. President.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Yes, Senator Gold, why do you rise?

SENATOR GOLD: Mr. President, we had broken for a conference, and while I understand and was here, Senator Present indicated it would be a half hour. I indicated at that point just as respectfully, that I could not guarantee the half hour.

Now, this matter is a -

obviously has budget implications. It's part of the budget process. We are in the middle of that process, so I'm told. I read in the newspapers that last Friday, there was a big announcement that the budgets were -- were completed and I expected to come up here Tuesday smiling, vote and go home and do some business in the district, but apparently it's going on and -- right now, and I don't know whether there's any urgency to push forward with this debate, but I can say quite accurately, that the conference that my -- that the Democrats were involved in deals specifically with this issue. We are not asking you to wait upon us because we are discussing other matters, and I would respectfully ask my distinguished colleague from Jamestown to once again put us at recess so we can conclude this conference.

It is specifically dealing with this issue. I would not like to have to, you know, engage in other tactics because we -- I think Senator Present and I have been able to operate on a level that makes me proud to work

with him, but, I mean, I cannot be in a position where I have to be out here holding the fort down while other things are happening within my conference.

Now, we do not control or regulate the Majority conferences, and I'm asking for the courtesy to be able to conclude what we are doing in our conference with regard to this issue.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President, I have just been advised that somebody higher than either of us have reached an agreement so we'll stand at ease for another ten minutes.

SENATOR GOLD: I want the record to indicate that nothing has changed. Senator Present is still the ultimate gentleman.

ACTING PRESIDENT KUHL: The record will so reflect, Senator Gold. Thank you for placing it there.

The Senate will stand at ease for ten minutes until five minutes of 5:00.

(Whereupon, the Senate stood at ease.)

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President, a few moments ago, approximately ten minutes ago, I announced that the leaders had agreed for another ten-minute recess. The ten minutes has elapsed, so we will start no later than five minutes after five.

ACTING PRESIDENT KUHL: Stand in recess momentarily.

(Whereupon, the Senate stood at ease.)

ACTING PRESIDENT KUHL: The Senate will come to order. The Chair will remind the members that we're continuing the debate on Calendar Number 233. We have spent about an hour and 25 minutes of time on debate. There are currently three members who have indicated a desire to speak, Senator Leichter and Senator Rath at this point, so I would call -- the Chair recognizes Senator Leichter.

SENATOR LEICHTER: Well, considering the late hour and knowing that my colleagues' names who succeed me -

ACTING PRESIDENT KUHL: Senator Leichter, you waive. Senator Galiber, why do you rise?

SENATOR GALIBER: I thought I had something until all this confusion about the - I was in the middle of something when someone called me some place else.

ACTING PRESIDENT KUHL: You did, Senator Galiber. If Senator Leichter would like to yield the floor to you again, I'll recognize you.

SENATOR LEICHTER: Yes.

ACTING PRESIDENT KUHL: Senator Galiber to pick up the debate where he left off.

SENATOR GALIBER: Mr. President, I was just prepared to ask a question, and I think it's all been said. One question for Senator Holland and then we can go back.

Will Senator Holland yield to a

question?

ACTING PRESIDENT KUHL: Senator Holland, will you yield?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator does.

SENATOR GALIBER: I think on page 3, at the top, it starts off, I'd guess at the bottom of page 2 on this question of sanctions imposed unless the local service -- social service district has verified the results of automated fingerprint identification system by means of a manual, I'm not sure, conducted by a person who is qualified to perform that identification.

Was that taken out for some reason or the other?

SENATOR HOLLAND: I don't know the answer to the question, Senator. Can you rephrase it?

SENATOR GALIBER: In other words, there was some verification. They printed them and then we had to verify it and then there was

some, I guess, structure set up for that verifi cation, and there was a cost factor. I'm not concerned about the cost factor as much as you were checking for identification purposes inasmuch as it wasn't a perfect identification system, and someone indicated that portion was taken out of the bill.

SENATOR HOLLAND: I don't know. Let me find out for you.

SENATOR GALIBER: All right, that's fine. Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Mr. President, having heard everything that I ever wanted to know about this bill and more, I'm going to yield in the hope that others will agree with me that the hour is late. Thank you.

ACTING PRESIDENT KUHL: Senator Leichter passes. Senator Wright.

SENATOR WRIGHT: Mr. President, I rise in support of finger imaging. I think the issue is restoring the integrity and credibility

of the social service system that we're talking about this afternoon.

Clearly, the people of this state have lost confidence in our ability to maintain the credibility of that system. Each day and each time you see new headlines, you see stories documenting the fraud and abuse, it's simply greater documentation that this system does not work, and I think that's well recognized not only in this state and throughout the state, but is being recognized nationally in terms of the call for reform of the social service system.

New York State ought to be in the lead of doing the same thing because unfortun ately, as these cases of fraud and abuse continue to be identified, continue to be documented, they end up calling into question the legitimate programs that we're delivering in this state, the individuals who have legitimate needs, and I think that's become the area, unfortunately, that we're losing our focus on.

We need to focus on people and individuals with legitimate needs and make sure

that we're rendering credible cost-effective programs to meet those needs.

Finger imaging is a way of maintaining the credibility and restoring the credibility that the taxpayers who are paying the bills demand of the system. We're now at a point that the chief auditor, if you will, the Comptroller of this state, has acknowledged that the fraud is so rampant that there are additional controls needed. The same applies in terms of the Inspector General.

In my conversations with local officials, and we've taken the opportunity to sit down with our local elected officials, be they elected or be they the individuals who are appointed to administer the program, and all of them indicate there is a need, a compelling need for greater integrity in the system.

We need to restore the confidence of the people who are paying the bills for this. Finger imaging is but one step in that right direction. As a result, I call on all of my colleagues this afternoon to take a step

forward to reform the social services program and support finger imaging.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Rath.

SENATOR RATH: Yes, Mr. Chairman. I rise also in support of the finger imaging bill. The debate this afternoon has gone much as we could have anticipated and all of the points are extraordinarily valid, particularly the point that we want to have the dollars available for the people who truly do need public assistance.

But take a walk with me, if you will, back through the calendar pages several months ago. Two national magazines had some messages across the front pages of those magazines about New York State, MONEY Magazine first, Forbes Magazine second. None of us liked the messages that came across the front pages of those magazines, and now I ask you, my colleagues: Can we afford to send another message across the pages of any of the

publications in this country when we are looking so hard to restore New York State to the status that it once held? Can we afford to send a message that we are willing to allow fraud in a New York State system of public welfare?

38 percent of the state's -- 38 percent of the state budget is used for this system, 38 percent of our $62 billion. A conservative estimate says that the savings could be between one and a half and two and a half billion dollars. That's a lot of money.

Public assistance clients, it's been testified all afternoon, the numbers have been pointed out, 93 percent of them don't care. They think it's fine. Well, if they don't care if they have finger imaging, I don't know why we would be as concerned.

Public assistance clients have always had to identify themselves one way or the other. They have a contract with the state of New York and with the taxpayers. The contract is, we help them out while things aren't going so well for them in their life. Everyone has a

contract with the state of New York for a driver's license. We have a photograph taken when we have a driver's license submitted to us and we have a contract. We're responsible for the laws of the state of New York when we drive the roads of the state of New York, and I would submit to you that the people that we give dollars to when things aren't going well in their personal and private lives, that for a contract with them to have a finger -- a picture of their finger, that is not something that's unnecessarily intrusive.

I think we need to have this good faith contract. I think the message needs to be not a message that will shatter the public confidence in the state of New York regarding our willingness to continue a circumstance that has proven to be fraudulent, but the message needs to be New York means business. We mean business not only for business, but we mean business for the people who need our help. We legitimize their needs and we take the fraud out and save billions of dollars.

Thank you.

ACTING PRESIDENT KUHL: Is there any other member wishing to speak on this particular matter before Senator Holland closes? Senator Smith, Senator Montgomery do.

Senator Smith.

SENATOR SMITH: Thank you, Mr. President.

Would Senator Holland yield to a few questions?

ACTING PRESIDENT KUHL: Senator Holland, do you yield? The Senator does.

SENATOR SMITH: Thank you. Could you give me a profile of a home relief recipient?

SENATOR HOLLAND: I don't think so, Senator. Could be, usually, they're without children, could be male or female, could be - could be in good physical shape, might not be, might have an abuse problem, might not.

SENATOR SMITH: Well, would you say that we know that they're without children?

SENATOR HOLLAND: Most of them

are, the vast majority.

SENATOR SMITH: But they are receiving aid for themselves and not for the children because for children it's AFDC, am I correct?

SENATOR HOLLAND: Correct, yes.

SENATOR SMITH: Thank you. Could you give me an estimate of how many -- approximately how many home relief recipients there are through the state of -- throughout the state of New York?

SENATOR HOLLAND: From a report dated November 1993, 310,864.

SENATOR SMITH: How many AFDC clients do we have throughout the state?

SENATOR HOLLAND: Approximately 80 percent of those home relief recipients are from the city of New York, also.

SENATOR SMITH: You said approximately 88 percent of the home relief recipients are from the city of New York, but I asked how many AFDC recipients do we have in the state of New York?

SENATOR HOLLAND: Yeah, I'm sorry. I was concentrating. Ask me once more.

SENATOR SMITH: How many home - AFDC recipients do we have in the state of New York?

SENATOR HOLLAND: Approximately 1.5, 1.2 million.

SENATOR SMITH: So this is a very small percentage of the public assistance rolls?

SENATOR HOLLAND: It's about a quarter.

SENATOR SMITH: I'm -- I apologize for not being in the chamber earlier when you were giving some of your statistics, so I'd like to know when they did the original survey, how many recipients were there initially in each of the counties of home relief?

SENATOR HOLLAND: In both counties, Senator, there were 4772.

SENATOR SMITH: 4742?

SENATOR HOLLAND: And '-72.

SENATOR SMITH: Thank you. Could you tell me at the end of this little survey or

whatever you want to call it, or test, how many did we have on record?

SENATOR HOLLAND: Do you know the numbers, so I don't have to research them?

SENATOR SMITH: No, I don't have any of this. I wouldn't ask you a question if I had the answer.

SENATOR HOLLAND: The only thing I can tell you, Senator, is the report says that 146 cases were closed in Onondaga.

SENATOR SMITH: 146 out of how many?

SENATOR HOLLAND: 41-something, 41-something.

SENATOR SMITH: You know that percentage?

SENATOR HOLLAND: 4772, four percent.

SENATOR SMITH: So that's also a small percentage?

SENATOR HOLLAND: It's smaller than 25 percent, a lot smaller.

SENATOR SMITH: Thank you very

much, Senator.

ACTING PRESIDENT KUHL: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

I just want to make a very brief statement. I think that this bill that Senator Holland has introduced is certainly his answer in an attempt to address what is a major crisis, I think, for us as it relates to services to poor people, and that is the perception that there is fraud and the actuality that there is fraud, and consequently the loss of support for those programs, and so we want to rebuild that support with the public, especially the tax paying public, and I support that. I'm in total agreement with it and, in fact, one of my heroes in government is the DSS Investigator Kuriansky because every time he exposes and closes a Medicaid mill in my district, I am extremely pleased, and it's especially pleasing when I see the figures that are saved for taxpayers, and my assumption is that when we save money in that

way we can expect that the return will be that those dollars can go, hopefully, for legitimate services, especially health care, quality health care for people in my district.

So, Senator Holland, I certainly compliment you along those lines. I do, however, worry that we mislabel this particular attempt as welfare reform, and I would not want my constituents to think that I voted for legislation under the misimpression that I'm doing welfare reform, because I think that welfare reform has to be related to employment.

We can not reform a welfare system in this state or nation unless there is an employment reform in the sense that we have to be engaged in generating jobs that people who are currently on welfare can, in fact, access and we need to include with welfare reform an educational component. Access to education is the avenue that will mean for many people who are on welfare right now, it will mean for them in four or five years or less that they can move up and off of welfare permanently, and it means

child care because the majority of people who are on welfare have children, are parents of children.

That is essentially for welfare clientele, that we hopefully want to spend more time looking at in terms of our response to changing the system, improving it and, in fact, moving people off of welfare permanently.

So I will, while I definitively support an attempt -- any attempt to remove fraud from the system because I think that it hurts poor people more than anybody to have service dollars misdirected and used fraud - fraudulently or otherwise for things unrelated to service, including real estate and a whole host of other ways that we see social service and health dollars siphoned off.

So I'm supporting this in principle. I'm not going to vote for it because I think that there is a larger statement that needs to be made and we need to be very clear about that statement, and that is we want to empower people to get beyond the need for

depending on the state for their existence. It's demeaning. It's stigmatizing and in the climate that we live in today in our state and nation, it is politically incorrect to be on welfare, and I more than anybody else have that sense and that feeling for the people who are. There may be a small percentage of people who do not expect to move off, but most people, in fact, do.

So, Senator Holland, I applaud you. I understand what you're trying to do, but I must say to you that it is very disappointing and I certainly cannot support this body making this statement in that small way which, in my mind, undercuts what the overall intent is and that is to move people from -- from dependence permanently.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I'll be very brief in view of the long debate that's already transpired and the

number of comments which have been made, many of which I agree with.

Just to offer a philosophical view to my colleagues, when I went to law school about a decade and a half ago, I can remember those old discussions about a man's word is his bond, and that lasted, I guess, for the most part from probably 10,000 B.C. up until maybe the mid-15th century, and then we all of a sudden got enamored with signatures. We signed documents with signatures and your signature became your bond. And then for the last 35 or 40 years, your Social Security number became your bond, the number that identified you. I guess now we're moving into that age when finger imaging and bar codes and scanners will identify all of us at some time in the future, and I think in many ways you see a sense of this is that we long for that time long ago when a signature or your word could be your bond when you applied for welfare benefits as well. I recognize that that time is gone.

I also recognize that this bill

and the finger imaging that's encompassed in it may have some purpose of discouraging people from applying for welfare benefits. I regard that as a real tragedy, but it also seems to me it has some value based on the study that's been done in Onondaga and Rockland County in deterring fraud, and I agree that that's a laudable purpose. When I voted against this bill last year, I did so because I didn't think it would deter fraud. I'm now convinced that there's some minor value, some benefit that could be gained by going to this system, but I stand here to offer just two other observations.

One is I'm really tired of hearing the argument that we have to restore the credibility or the integrity of programs that we have for the poor. It's my view that those programs for the poor are no more dotted with fraud, frankly, than our programs for the wealthy or income tax returns or S & L crises. The concept of fraud is not something that is solely confined to those who are poor, in

poverty.

The credibility of this system, in my judgment, the lack of credibility in this system is only partly due to fraud. It's also due to the fact that politicians, for the last 20 years, have been going around and saying, we ought to beat up on poor people. We're going to take -- we're going to say that the system doesn't work, that it can't work, that the poor are more distrustful than the rest of the population, that the war between taxpayers and the poor has been fanned by politicians for political advantage. I think that that's absolutely outrageous.

It also seems to me, and I welcome the thoughts from the other side of the aisle about the concept of welfare reform. I'd simply point out that this side of the aisle has been trying to reform a whole bunch of other things that are desperately in need of reform that we haven't taken a good look at in the last 20 years, things that we should reform right in this chamber, right in the way we organize

ourselves and the way we function.

My hope is that the wind of reform that seems to blow so pervasively with respect to the welfare reform will also be a part of the wind of reform in this chamber as well.

I'm convinced that this bill accomplishes in some small way a reduction of fraud and, for that reason, based on the fact that the study demonstrates that there has been a reduction in fraud, I'm going to change my vote this year and vote in favor of this bill but I also hope that the types of programs that Senator Montgomery talked about, I hope that we look at those programs, look at a broader way in which we can deal with the poor and hopefully allow the poor to do the one thing that we all want, which is to rise into the middle class and become a part of the American dream.

The solution lies in a complicated way and not simply by asking them for their fingerprint but giving them the education, the character and the integrity as

human beings so that they can become a part, a true part of our society.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Markowitz.

SENATOR MARKOWITZ: Thank you. Thank you very much.

First off, I want to compliment Senator Montgomery. I believe Senator Holland approached the issue the way that it ought to be viewed, and that is that all of us from the most liberal Democrat to the most conservative Republican are all united in eliminating waste and fraud, not only in public financing programs, welfare programs but, frankly, in every program in which state taxpayer dollars are being used. None of us are in favor of fraud and abuse.

Having said that, there are few members of the state Senate that can actually say that they lived on welfare. I can say I did many years ago, not the 1990s for sure, but I know, and I think, Senator Holland, one has to be sensitive to the fact that people that are on

welfare, by and large, the great majority of them, don't do so voluntarily, don't do so voluntarily, and for many, it's the end of the road. Frankly, it's the end of the road.

Where we have failed in our system is to not recognize that those that are at the end of the road that we have an obligation to bring them back, to give them hope, to give them a chance to rebuild their lives or build their lives for the first time so that they can become fully productive members of our society.

I would eagerly vote for a finger imaging program if the Senate Majority would come back to this chamber and also offer finger imaging for food stamp providers, finger imaging for Medicaid doctors and health delivery providers, anywhere where the state monies are being provided by the recipient and the provider.

If finger imaging was done to eliminate the fraud and to target in on tax returns, especially on tax returns in those

industries and corporations, health care, that we know according to the state Tax Department have a higher incidence of fraud and abuse, then for some of us, we would be able to go back to the districts we serve and be able to tell poor people that we are not just isolating them for finger imaging, but rather the state Legislature is beginning a massive attempt at eliminating fraud across the board.

I would eagerly want to vote a bill like that, Senator Holland, I really really would, and I'm hoping yet that a bill will come to the chamber for us to support. Until that time, until there's a bill that really balances it out, I really am still constrained to have to vote no on this not because we want to see fraud continue, but rather because we want to see fraud minimized and eliminated to the greatest degree possible by all those that abuse it.

Thank you.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Gonzalez.

SENATOR GONZALEZ: Thank you, Mr.

President.

I think that coming also from a poor district and being poor, I think that as I stand here before you today, that my Ph.D. is poverty, hunger and desperation from the streets of my district, and the one thing is that always welfare recipients are the target of everything when it comes down to the budget since I've been here since '89. We've always had cuts and always they're the targets of whatever it comes down to money. I think that this bill, to me right now, we're in a matter of negotiations, the leadership is under negotiations. I find this bill as a one-house bill.

There is language that should be in this bill, language that pertains that if we do say how do we make training programs or jobs available with the money that we save for the people that are on welfare, so that will be welfare reform. So it needs a few more add-ons to the bill so that it could be comprehensive and we could call it a first step to welfare reform and, in that vein, I don't have a problem

with fingerprinting. I'd rather fingerprint for jobs. I don't have a problem with finger imaging, but I think that we have to do a little bit more comprehensively, not just a patch Band-Aid approach, and with that I will vote no on this bill, but I will vote for a bill that will have all the things that I have suggested that comes with the balance, with the training programs, for the jobs to get them off welfare and make them work fair, and that's where I would stand.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Is there any other member wishing to speak on this bill before Senator Holland closes? Hearing none, the Chair recognizes Senator Holland.

SENATOR HOLLAND: Mr. President, I just want to reiterate that there's no one, I don't think, in this chamber certainly on this side and the other side as well, I know, who wants to take anything away from people who need assistance. The clients are not even -- this is not trying to take anything away from the

clients. New York State has the most progressive social services program, the most expensive social services program in the nation and there has been no discussion about taking anything away from anybody except the crooks, and that's what we're trying to do.

If we can get them off the rolls, just the bad guys, not the people who need assistance, we can take that hundred million dollars or whatever it is, five million, a hundred million, whatever it is, and give it back to the taxpayers of this state and/or give it to the clients if that's where you or we think it should go.

I just want to tell you two more things. First, I have a documentation examination, Investigator's Guide to False Documentation, put out by the Human Resources Administration, Bureau of Fraud and Investigation, the city of New York. First page reads: People -- "many use false identification for some of the following reasons: To conceal their status as illegal aliens, to commit

welfare fraud by making identity and/or misrepresenting identity factors, to issue bad checks, to hamper identification of law enforcement agencies." Four issues: Welfare fraud is number two. Then it goes on to to say that "it is estimated by the permanent subcommittee on investigations that the impact of false identification on the United States economy is $24 billion annually, and the state of New York is one-twelfth of that approximately."

We talked a little bit with Senator Waldon about Social Security card numbers. On the fourth page, they say, "the Social Security card has become a widespread means of identification in New York State. As its use as an identifier has grown, so has the opportunity for its misuse often to fraudulently obtain unauthorized benefits. The social service -- the Social Security card was never intended to be an identification document," and that's put out by the city of New York.

This is -- this is the opinion of

Judge Jack Weinstein on the cases that we talked about earlier, and I just want to read you a little bit of it. He starts out with, "These cases involve poor people, primarily women, from the Dominican Republic who stole from the federal government by using false names to open fraudulent welfare cases. In its identification the government uncovered some one thousand such false cases." One thousand. Though each case was identified individually and has its own file number, the matter is properly considered as a single event for the purposes of public policy. So viewed, it is the largest criminal case in terms of numbers of defendants ever brought and processed in this district.

"The U. S. Attorney and his staff as well as the city Department of Investigations has done what they could to encourage structural change within the state institution that administers the stolen funds in order to prevent further abuse. Nonetheless, there is little indication that this effort has ended the threat of welfare fraud in this city.

The selection of roughly one hundred individual wrongdoers for federal prosecution in a city where, according to the 1990 census, over 13 percent of households received public assistance from funds administered by city, state and federal government, is a poor substitute for meaningful reforms of the public institutions that permitted the theft.

"The authorities in charge implemented no adequate procedures by which identities could be verified. False identification documents such as birth certificates were readily obtainable. The government offices to which these fraudulent papers were submitted did not even ascertain whether a given Social Security number, in fact, corresponded to a given name. Welfare recipients can be readily fingerprinted by automatic photographic methods to prevent the use of false identities to open fraudulent cases as is now done in Los Angeles."

I could go on and on. This is a great opinion by Judge Weinstein. You should

read it. Just let me say finally, we're not trying to take anything away from poor people who need assistance. We are trying to take the thieves out of the system. This finger I.D. will do that.

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

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

ACTING PRESIDENT KUHL: Call the roll.

SENATOR GOLD: Slow roll.

ACTING PRESIDENT KUHL: Slow roll call has been requested. Are there five Senators in agreement with this? There are. Clerk will call the roll slowly.

THE SECRETARY: Senator Babbush.

SENATOR BABBUSH: No.

THE SECRETARY: Senator Bruno.

(There was no response.)

Senator Connor.

SENATOR CONNOR: No.

THE SECRETARY: Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator Daly.

SENATOR DALY: Yes.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator DiCarlo.

SENATOR DiCARLO: Yes.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: Yes.

THE SECRETARY: Senator Espada.

(There was no response.)

Senator Farley.

SENATOR FARLEY: Vote aye.

THE SECRETARY: Senator Galiber.

(There was no response.)

Senator Gold.

SENATOR GOLD: Mr. President, have my name called.

ACTING PRESIDENT KUHL: Senator Gold to explain his vote.

SENATOR GOLD: Mr. President, I

believe that there are a lot of legitimate legislative issues that may or may not become law but which are entitled to a forum. Where I disagree with the Majority is the issue or the manner in which you create a forum.

There is a committee system which is really not used for anything but politics in this house, where we could have that forum. There are hearings we could use. When it came to "three strikes you're out" debate a few weeks ago, I indicated how it was incredible to me that that issue was not receiving hearings or some attention.

We broke today for a rather substantial conference for this side of the aisle, and it was a conference which indicated to me something I already knew and that is that people on this side of the aisle are very, very serious about the issue of welfare reform for many reasons, the least of which is not -- I get that two double negatives -- that credibility among the public is very important.

There are people in need in this

state, and we should be helping them and not making them the scapegoat, the enemy, the strawman in every debate that comes up when it comes to money. Unfortunately, that's what happens. Rather than having an open forum on what you do to help needy people in this state, we have debates such as this.

Now, we are in the middle of a budget process. We voted last week to take care of state purposes and the next day after we went home, I read in the newspapers that there was a legislative agreement, so I said to my wife and kids, I guess we're going to have an easy week next week, I'll go up Tuesday morning, by noon we'll be voting upon this agreed-upon package, I'll see you for dinner Tuesday, and I'll be back at work in my office at work on Wednesday.

What happened? All I heard since I've been up here, that there's bickering over this, but this one is not getting this piece of this, but there was an agreement, but this one has got to get a little bit of this, and the answer is there is no agreement, there are no

bills.

So why are we talking about this? Why are we talking about this? I will tell you that, if we have a budget which does as it's supposed to do, first of all, give the $60 million slush fund back to the people and do some other things, and that as part of that process, we have reform, as part of that process we have Medicaid take-over which is the real issue here -- it's the real issue, and it will help every one of the counties and towns and cities throughout this state -- then I will tell you that the concept of imaging I do not necessarily find as offensive.

Matter of fact, a couple weeks ago, we had a printing bill and to the eyebrow raising of some of my colleagues, I voted for that bill. I don't find that offensive as and of itself, but what is offensive is in the middle of a budget debate to spend hours picking on the poorest people in our society and those in the greatest need, because at some point again, they will be the scapegoat of all the

problems of this state.

So, Mr. Speaker, I am not going to participate in that. It's unfair. I couldn't look myself in the mirror tomorrow when I shave and I'm not prepared to go to the doctor with all the blood there would be if I don't look in the mirror. So, Mr. President, I am voting no.

I tell you that, if this comes back to us as part of a budget plan, a plan that is really here now, with money for the city of New York that is necessary for our Republican mayor -- I don't say yours, I say our Republican mayor -- and we take care of the needs of the towns and counties in Medicaid take-over, and if this is part of an intelligent program, I might be able to support it, but I'm not getting involved in the cheap nonsense politics of a majority party putting out these bills that they think are going to posture them through to some election victory in November. It's not the way to operate this city and the government.

I vote no.

ACTING PRESIDENT KUHL: Senator

Gold in the negative.

THE SECRETARY: Senator Gonzalez.

SENATOR GONZALEZ: No.

THE SECRETARY: Senator Goodman voting in the affirmative earlier today.

Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Hoffmann.

SENATOR HOFFMANN: Explain my vote.

ACTING PRESIDENT KUHL: Senator Hoffmann to explain her vote.

SENATOR HOFFMANN: The date on my calendar says Wednesday, April 6th. The people in my district realize that we were supposed to have a budget in place on April 1st. Very difficult to justify why we would have spent this entire afternoon debating and voting on a one-house bill when we obviously have much more pressing business at hand.

I've not been involved in a

single committee meeting today, Finance or any of the other committees on which I sit, to discuss substantive matters of concern to the taxpayers of this state that deal with the budget.

I'll be hearing from county executives asking questions about the Medicaid take-over. I'll be hearing from the mayors of Syracuse and Rome asking about the enhancement of revenue sharing. I will be hearing from people asking about business tax cuts, all of which they will have read something about in the newspaper, and yet there are no open discussions going on on any of these subjects in this Capitol today.

I will vote for this measure. I believe that it's an appropriate first step to eliminating much welfare fraud. I don't think it's invasive to the people who are in the welfare system, because it is finger imaging, not fingerprinting. I make that distinction because I will continue to oppose measures which screen large numbers of people and treat them as

supposed criminals by demanding their fingerprints at the time they apply for jobs or their departments subject them to such fingerprinting, and I mention specifically school bus attendants which was a bill that has come up in this house several times, and I believe will probably come up in the future. But I will vote on this one not because I like the process that we're engaged in but because I believe the issue has some merit.

I just wish I didn't have to be embarrassed once again to go back to my district and tell them how we have wasted our time and squandered their money.

ACTING PRESIDENT KUHL: Senator Hoffmann in the affirmative.

THE SECRETARY: Senator Holland.

SENATOR HOLLAND: Explain my vote.

ACTING PRESIDENT KUHL: Senator Holland to explain his vote.

SENATOR HOLLAND: One thing Senator Gold said there were no hearings and

Social Services has held hearings all over the state of New York including the city of New York asking people what they think about finger imaging and other Medicaid and welfare reforms. The people believe this will save them money and take the bad guys off the system. We have had hearings.

ACTING PRESIDENT KUHL: How do you vote?

SENATOR HOLLAND: Yes.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Why do you rise, Senator Gold?

SENATOR GOLD: Mr. President, I don't know what point I'm making, a point of this or that, but I want the record clear that whatever my comments were I did not mean any - anything personal about Senator Holland who I believe has a sincere interest in the issue and may have done the work necessary.

I was talking about a budget process and I just wanted that clear on the record.

ACTING PRESIDENT KUHL: Thanks, Senator Gold.

Continue the roll.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Aye.

THE SECRETARY: Senator Jones.

SENATOR JONES: Yes.

THE SECRETARY: Senator Kruger.

SENATOR KRUGER: Yes.

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Yes.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Explain my vote.

ACTING PRESIDENT KUHL: Senator Larkin to explain his vote.

SENATOR LARKIN: For about the past four and a half hours off and on we've been debating this bill. It's a bill we talked about last year. It's a bill that's been talked about all over the state. Talked by the Governor,

talked about by the mayor of the city of New York, talked about by county executives across the state.

Joe Holland has given us a lot of leadership in this not to hurt anybody as it seems some people on the other side of the aisle want to carry this bill as, something to hurt somebody. This bill is not carved out to hurt anybody. This bill is to address an issue, and the issue is to make sure that those individuals who are to receive dollars in assistance are truly eligible and have been validated.

Mr. Waldon said earlier some hours ago that he talked about identification and about the service. That's an excuse for what we really want to be doing is addressing an issue. I've heard every excuse here of why not to do this bill today from last year's budget to this year's budget to this good to that bad.

Why don't we stop fooling around with it? It's an issue that will help us. It's an issue that Commissioners of Social Services want. It's an issue that people who are

legitimate and who want to get public assistance don't feel ashamed of. Some people have said, you want to move people off AFDC. You will put people off home relief. How will you put them off unless they're ineligible?

It was already talked today about the $45 million fraud in November 1992. That fraud would not have occurred had we had finger imaging. So I think what we ought to do is to stop all of this bashing about when it really means that some of us don't want to address the issue and don't want to cooperate in helping us streamline the public assistance issue and maybe recapture dollars and ensure that the dollars that we provide truly go to those in need and not the greedy.

ACTING PRESIDENT KUHL: How do you vote, Senator Larkin?

SENATOR LARKIN: I vote yes.

ACTING PRESIDENT KUHL: Senator Larkin, yes. Continue the roll.

THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: Aye.

THE SECRETARY: Senator Leichter.

SENATOR LEICHTER: No.

THE SECRETARY: Senator Levy.

SENATOR LEVY: Aye.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Aye.

THE SECRETARY: Senator Maltese.

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

ACTING PRESIDENT KUHL: Senator Maltese to explain his vote.

SENATOR MALTESE: As Senator Larkin has indicated, for the last number of hours at a time when we're considering a budget very important to the people of our state we've spent discussing an issue that seems self-evident to the constituents we represent.

Is it any wonder that people back in the districts think that in some cases when they hear what goes on in the Legislature they use the phrase that the inmates have taken over the asylum? It's amazing that Wednesday at this

stage in our state's fiscal crisis, in our state's taxing and overburdening the citizens of the state, rather than alleviating their burden, can spend this much time on a program that has already proven itself and, Mr. President, we didn't need the pilot program in Onondaga and Rockland to prove that this program works. Common sense dictates that it works. Common sense and experience indicates that people are going to defraud a system. There are some people who will try to get away with whatever they can and what belongs to others.

Now, are we penalizing those persons who are compelled by virtue of their economic circumstances to subject themselves to finger imaging? I do not believe so, Mr. President.

I have many persons eligible for home relief and public assistance in my district. To this moment, I have not received a single communication evidencing any problem with this bill or with the system. I commend Senator Holland for leading this fight. I believe this

is what the people in my district and the people in New York State have elected us to do is to save money and to have those monies go to the people that deserve them.

Mr. President, I vote aye.

ACTING PRESIDENT KUHL: Senator Maltese votes yes.

Continue the roll.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Aye.

THE SECRETARY: Senator Marino.

(Affirmative indication.)

THE SECRETARY: Aye.

Senator Markowitz.

SENATOR MARKOWITZ: Explain my vote. Senator Maltese....

ACTING PRESIDENT KUHL: Senator Markowitz to explain his vote.

SENATOR MARKOWITZ: Senator Maltese, I want you to know that I concur and I think most of us do here. Most of us that are voting no on this bill concur with what you're saying. What we want to do is, rather than

begin only in one category of fraud, all that at least I'm suggesting is to extend this program to various categories of potential fraud. Rather than isolate one group, let's look at the major areas and the state Tax Department knows all too well that are involved with fraudulent use of state monies and let's put into place not only the finger system that you're suggesting but other safeguards to really, really prevent to the greatest degree possible abuse of our monies and, because you're right, Senator, there are people and corporations and individuals that will steal any opportunity they can. There's not a question about it. Unfortunately, that exists too much in our society. Our job in government is to eliminate in every possible way that potential among some people, and I believe we have it within our ability.

We have the technology; all we need is the will to do it beyond just this one subject, but across the board. So until that bill comes here, I vote no.

ACTING PRESIDENT KUHL: Senator

Markowitz in the negative.

Continue the roll.

THE SECRETARY: Senator Mendez.

SENATOR MENDEZ: No.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: No.

THE SECRETARY: Senator Nanula.

SENATOR NANULA: Yes.

THE SECRETARY: Senator Nolan.

(There was no response.)

Senator Nozzolio.

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

ACTING PRESIDENT KUHL: Senator Nozzolio to explain his vote.

SENATOR NOZZOLIO: Mr. President, I spoke on this bill about four hours ago. Don't wish to repeated myself but wish to address comments made by Senator Markowitz.

Senator, I agree with you that we should be looking at all aspects of the delivery system. We should be looking at doctors, we

should be looking at dentists. We should be looking at nurses. We should be looking at those who are participating in the delivery system to present a balanced process.

All those professions now require fingerprinting, Senator, according to New York State statute.

Now, that's just another reason why I believe this measure is fair, honest, direct and comprehensive, and I applaud Senator Holland for bringing it to the floor for our consideration today.

I vote in the affirmative.

ACTING PRESIDENT KUHL: Senator Nozzolio in the affirmative.

Continue the roll.

THE SECRETARY: Senator Ohrenstein.

(Negative indication.)

THE SECRETARY: No.

Senator Onorato.

SENATOR ONORATO: Aye.

THE SECRETARY: Senator

Oppenheimer.

SENATOR OPPENHEIMER: Yes.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.

THE SECRETARY: Senator Pataki.

SENATOR PATAKI: Yes.

THE SECRETARY: Senator Paterson.

SENATOR PATERSON: No.

THE SECRETARY: Senator Present.

SENATOR PRESENT: Yes.

THE SECRETARY: Senator Rath.

SENATOR RATH: Yes.

THE SECRETARY: Senator Saland.

SENATOR SALAND: Mr. President, explain my vote.

ACTING PRESIDENT KUHL: Senator Saland to explain his vote.

SENATOR SALAND: Mr. President, I have heard some of those who have spoken in opposition to this bill make reference to the fact that this has been a rather lengthy and in ordinately long debate, a debate which they feel

really serves little or no purpose.

I would suggest to them that, if my recollection is correct, two and a half to three of the hours that have kept us here on this floor have been to accommodate the conference which was called by our colleagues on the other side of the aisle in order to discuss, assumedly, I believe the representation was the respective merits of this bill.

I've also heard some people who have said amongst other things that while they embrace the concept embodied here it isn't broad enough. I think that's a disingenuous as the argument at least in some respects perhaps as the argument about us being responsible for a lengthy debate here.

The reality is that were we to have come forward with a bill as broad as perhaps many if not most of us would like we would have been accused of being insensitive and how could we, particularly with regard to ADC have contemplated such a cruel and heartless thing when we were dealing with the likes of

women and children.

This isn't a matter of picking on the poor. This isn't a matter of trying somehow or other to harp on those in the greatest of need. This is a matter which is basically one of fairness. The real issue that could be debated subsequently is the issue of what will we do with the money that we save by denying benefits to those who set out with intention to cheat the system, intention to make sure that those who are in need don't get their full benefits.

That's a legitimate debate. Do we use that money for real property tax relief because 50 percent of this money that's being spent is being spent in our localities by our local governments, so when the state Social Service Department talks about a $46 million saving you're talking a $92 million savings to the taxpayers of the state of New York.

Legitimate issue. You want to argue whether it should be saved and given back in tax relief or whether additional benefits?

That's the issue, but please don't becloud the issue with sloganeering. This is not cheap posturing. This is an issue that's supported by this house, the Majority in this house. The Governor has said he supports it. The Comptroller has provided some form of endorsement to this.

The only people holding out basically the Assembly Majority, the Democrats in the Assembly and this is a policy statement that would be endorsed by the overwhelming people, overwhelming number of people in this state whether they are receiving assistance or not.

ACTING PRESIDENT KUHL: How do you vote, Senator Saland?

SENATOR SALAND: I vote in the affirmative.

ACTING PRESIDENT KUHL: Senator Saland in the affirmative.

Continue the roll.

THE SECRETARY: Senator Santiago.

SENATOR SANTIAGO: No.

THE SECRETARY: Senator Sears voting in the affirmative earlier today.

Senator Seward.

SENATOR SEWARD: Yes.

THE SECRETARY: Senator Skelos voting in the affirmative earlier today.

Senator Smith.

ACTING PRESIDENT KUHL: Senator Smith to explain her vote.

SENATOR SMITH: At first blush I was tempted to vote for this bill, but after listening to all of my colleagues debate the issue and after asking many questions, I don't believe that the test that was taken in Onondaga and Rockland County is a true representation of the state of New York nor do I believe that 147 people represent an entire state. There is a need for reform, and I believe that those of us in the African-American community and in the Puerto Rican and Latino communities believe that stronger than anyone else and I'm tired of hearing that it is our people that are the

recipients of welfare because it is not. Look at the statistics, and after carefully listening to especially Senator Nozzolio talk about the requirements for doctors and dentists to be fingerprinted, those things are not happening in our state and until we start to take -- to take care of those issues of those who are really ripping off the system, then I don't feel that we should do it on the backs of the little guy who can not help themselves.

Once again we're throwing out the baby with the bath water.

ACTING PRESIDENT KUHL: Senator Smith, how do you vote?

SENATOR SMITH: In the negative.

ACTING PRESIDENT KUHL: Senator Smith in the negative.

Continue the roll.

THE SECRETARY: Senator Solomon.

(There was no response.)

Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator

Stachowski.

SENATOR STACHOWSKI: Yes.

THE SECRETARY: Senator Stafford.

Senator Stafford.

SENATOR STAFFORD: Aye.

THE SECRETARY: Senator Stavisky.

SENATOR STAVISKY: No.

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: Yes.

THE SECRETARY: Senator Tully.

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

ACTING PRESIDENT KUHL: Senator Tully to explain his vote.

SENATOR TULLY: Thank you, Mr. President.

As chairman of the Health Committee and chairman of the Council on Health Care Financing, I can tell my colleagues quite candidly that there are many, many things that are being requested of me and of you as members in this state right now that would very much

help those deserving poor and needy in our state.

One thing I think of immediately that comes to mind is the case mix cap that's been imposed by the Department of Health on our hospitals which will cost them somewhere in the area of $250 million if it's allowed to stand. And who will it hurt the most, Mr. President? It will hurt the people in New York City the most in the sense that the bulk of those people who need it are in New York City.

It doesn't take a lot, Mr. President, to resolve this problem. I'm told that for something like $20 million with a lift cap in the Senate and half in the Assembly, we can solve that problem. Well, back in 1991 when this legislation was proposed, I supported it with Senator Holland, and I said it should be statewide and, Mr. President, we weren't allowed to have that statewide program developed. We were forced to accept a demonstration project in two counties, Onondaga and Rockland, and when one of my colleagues earlier said Senator

Dollinger -- he's not in the chamber now but he did say that in some small way finger imaging has led to a reduction in fraud.

Well, I don't know what he thinks is small, but even in Long Island where I come from, if one county can save one million dollars, Mr. President, that's not small, that's big, and we have 62 counties in this state and yes, we did ask in 1991 to do this statewide because we knew there was fraud, Mr. President, and again, we weren't allowed to do it and we're back today. It's not small.

The Commissioner of Social Services of Onondaga County told my staff today that it's one million dollars in that county that has such a small amount of people on welfare.

This bill is timely and it's not partisan, cheaply partisan as Senator Gold said, and I notice he's not in the chamber either, but it is the right thing to do, Mr. President. Statutory authority for these demonstrations expired April 1st. That's one of the reasons

for this bill, because this bill will correct that, and we would have saved millions of dollars, millions of dollars. We could have solved that case mix cap problem without a doubt if this bill -- this legislative proposal of Senator Holland in 1991 was allowed. He cites 38 percent of the budget is now Medicaid and welfare.

If it's allowed to continue, this state will be bankrupt. This is a step in the right direction. The people, 93 percent of the people who have received this in those counties said they had no problem with finger imaging. This bill is timely, and it should be adopted and I vote for it.

ACTING PRESIDENT KUHL: Senator Tully in the affirmative.

Continue the roll.

THE SECRETARY: Senator Velella.

SENATOR VELELLA: Yes.

THE SECRETARY: Senator Volker.

SENATOR VOLKER: Yes.

THE SECRETARY: Senator Waldon.

(Negative indication.)

THE SECRETARY: No.

Senator Wright.

SENATOR WRIGHT: Aye.

ACTING PRESIDENT KUHL: The Secretary will call the absentees.

THE SECRETARY: Senator Bruno.

SENATOR BRUNO: Yes.

THE SECRETARY: Senator Espada excused.

Senator Galiber.

SENATOR GALIBER: Have my name called very briefly.

ACTING PRESIDENT KUHL: Senator Galiber to explain his vote.

SENATOR GALIBER: Senator Tully, I recall that in 1991 also and what we were saying then and apparently we have forgotten, was that we were interested in the fraud aspect of it. We're talking about 600-and-some-odd thousand dollars in one particular area.

There's a recent, and some of us said why don't we go after Medicaid fraud, where

the big bucks are? And this is just a recent case from the New York Law Journal in which state is awarded a million regarding Medicaid fraud plea. It was a plea bargain situation, five hundred, half a million dollars there's a plea bargain, and with triple damages it comes up to a million-point-five.

And some of us said in 1991 this is the direction we should be going in, not after those persons who are the small fry and those of us who suggest on this side of the aisle that we should be doing a little bit more such substantive matters, I recognize we went through a charade the other night, and call it what you want, descriptive adjectives, ridiculous almost, $700 million in tax cuts, and we're doing the same thing here tonight. We're talking about people and a state of mind I mentioned before.

Why don't we go after the major frauds which is the fraud in Medicaid. Why don't we go after that instead of suggesting that there is fingerprinting or whatever the

case may be? I would ask you to put it over for a while and there shouldn't be any problem along those lines. You're insistent on going forward. You know it's a one-house bill.

You talk about wasting whether we were extended a conference as far as our conference is concerned, it works both ways, reciprocity over the years. The fact of the matter, you know, in your heart's heart it's a one-house bill, and you're going after the wrong person, very frankly. We should have spent our time in 1991 going after the big guys.

No, I'm making a statement that we should have been going after those big guys from the very beginning in 1991 and we wouldn't be wasting our time. That's what we're doing here and you're putting some good people in some awkward positions. That's the design. That's what the design is, Senator.

You don't know the complete story, but that's the political design to put people in a position where you say, are you opposed to finding the cheats in our system and

the answer certainly we want to find out but this is not welfare reform. That's what we need. We should be going after the big guys, not chipping away in this fashion.

I vote no.

ACTING PRESIDENT KUHL: Senator Galiber in the negative. Continue the roll.

THE SECRETARY: Senator Nolan.

(There was no response.)

Senator Solomon.

(There was no response.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 43, nays 15.

ACTING PRESIDENT KUHL: The bill is passed.

The clerk will continue the non -- or the controversial calendar. Senator Present, we have a couple motions. Do you mind if we return to motion and resolutions?

SENATOR PRESENT: Let's get them out of the way.

ACTING PRESIDENT KUHL: All right. Senator Libous.

SENATOR LIBOUS: All right, Mr. President. First I'd like to star my bill Calendar Number 489, please.

ACTING PRESIDENT KUHL: Sponsor's star on Calendar 489.

SENATOR LIBOUS: And also, Mr. President, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Bill 439.

ACTING PRESIDENT KUHL: O.K., Senator Present, that takes care of motions and resolutions. Can we return to standing committees for a report? Clerk will read.

THE SECRETARY: Senator Cook, from the Committee on Education, reports the following bill directly for third reading: Senate Bill Number 7293, by Senator Padavan and others, Education Law, in relation to the number of community school districts.

Also Senator Skelos, from the

Committee on Aging reports the following bill directly for third reading: Senate Bill Number 7238-A, by Senator Skelos and others, Executive Law, in relation to the elderly pharmaceutical insurance coverage programs.

ACTING PRESIDENT KUHL: Without objection, so ordered.

Senator Santiago, Santiago, excuse me.

SENATOR SANTIAGO: I would request if the record indicated I would have voted in the negative on Calendar 405 had I been in the chamber yesterday.

ACTING PRESIDENT KUHL: All right. The record will so indicate.

Regular order, clerk will read.

THE SECRETARY: On page 11, Calendar Number 482, by Senator Cook, Senate bill Number 2836, General Municipal Law.

SENATOR LEICHTER: Explanation?

SENATOR GOLD: Last section.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 484, by Senator Levy, Senate Bill Number 81-A, in relation to requiring the Commissioners of Motor Vehicles, Transportation and Education to develop a uniform definition.

SENATOR GOLD: Last section.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 506, by Senator Saland, Senate Bill Number 4417, Criminal Procedure Law and the Family Court Act.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59, nays one, Senator Galiber recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 510, by Senator Stafford, Senate Bill Number 6845, amends Chapter 266 of the Laws of 1981 amending the Civil Practice Law and Rules.

SENATOR GOLD: Excuse me. Tomorrow, please.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 513, by Senator Padavan, Senate Bill Number 128-A, an act to amend the Executive Law.

SENATOR GOLD: Could we - Senator Padavan wanted this starred?

SENATOR PRESENT: No.

SENATOR GOLD: All right, tomorrow.

SENATOR PRESENT: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 518, by Senator Cook, Senate Bill Number 2632 A, Environmental Conservation Law.

SENATOR GOLD: Lay aside, please. (Pause) Were you prepared for it today?

SENATOR COOK: Yes.

SENATOR GOLD: Last section.

ACTING PRESIDENT KUHL: The clerk

will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Excuse me. Ayes 59, nays one -- ayes 60.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 523, by Senator Levy, Senate Bill Number 1003-A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 526, by Senator Marino, Senate Bill Number 7239, an act to amend the General Municipal Law.

ACTING PRESIDENT KUHL: Last section.

SENATOR GOLD: Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Clear?

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President, for the benefit of the members, there will be a

session tomorrow at the usual time, a session on Friday at the regular time and Senator Marino would like the members to know that the Senate will continue to work until we have a budget in place.

SENATOR GOLD: You mean work day by day, you don't mean -

SENATOR PRESENT: Mr. President, there being no further business, I move that -

ACTING PRESIDENT KUHL: Senator Present, I'm being asked to recognize Senator Hoffmann. Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President. I'd like to be recorded in the negative on Calendar Number 523.

ACTING PRESIDENT KUHL: Without objection, so ordered.

Senator Present.

SENATOR PRESENT: Now, Mr. President, there being no further business, I move that we adjourn until tomorrow at 11:00 a.m.

ACTING PRESIDENT KUHL: Senate

stands adjourned until tomorrow at 11 a.m.

(Whereupon at 6:14 p.m., the Senate adjourned.)