ALBANY, NEW YORK

June 28, 1994

10:00 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. Ask the staff to find their places, members their seats. Ask the guests in the gallery to rise with us and say the Pledge of Allegiance to the Flag.

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

In the absence of clergy, I'd ask that we all bow our heads in a moment of silence.

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Monday, June 27th. The Senate met pursuant to adjournment, Senator Kuhl in the Chair upon designation of the Temporary President. Prayer by Reverend Monsignor George T. Deas, Our Lady of the Blessed Sacrament Church of New York. The Journal of Sunday, June 26th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT KUHL: Hearing

no objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: Mr. President, could you remove the sponsor's star on Calendar Number 600.

ACTING PRESIDENT KUHL: The sponsor's star will be removed on Calendar Number 600.

Senator Present.

SENATOR PRESENT: Mr. President, on behalf of Senator Tully, please place a sponsor's star on Calendar Number 1335.

ACTING PRESIDENT KUHL: Sponsor's star will be placed on Calendar Number 1335.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, on behalf of Senator Goodman, I wish to call up bill, Print Number 8083-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Goodman, Senate Bill Number 8083-A, an act to amend the Tax Law.

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

ACTING PRESIDENT KUHL: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 31.

ACTING PRESIDENT KUHL: Senator DiCarlo.

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

ACTING PRESIDENT KUHL:

Amendments are received and adopted.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, on behalf of Senator Lack, I wish to call up Bill Number 6694-A recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: What was that number?

SENATOR DiCARLO: 6694-A.

THE SECRETARY: By Senator Lack, Senate Bill Number 6694-A, an act to amend the Criminal Procedure Law, in relation to pre-sentence conditions.

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

ACTING PRESIDENT KUHL: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 31.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, on behalf of Senator Lack, I wish to call up bill Print Number 7761, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Lack, Senate Bill 7761, an act to amend the Public Authorities Law, in relation to Long Island Rail Road signage.

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

ACTING PRESIDENT KUHL: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 31.

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

ACTING PRESIDENT KUHL: Amendments received and adopted.

Senator Wright.

SENATOR WRIGHT: Mr. President, I wish to call up my bill, Print Number 6941, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Wright, Senate Bill Number 6941, an act to amend the Executive Law and the State Administrative Procedure Act.

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

ACTING PRESIDENT KUHL: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 31.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Present, we have several substitutions at the desk. What's your pleasure?

SENATOR PRESENT: Let's make the substitutions.

ACTING PRESIDENT KUHL: Secretary will read the substitutions.

THE SECRETARY: On page 7 of today's calendar, Senator Wright moves to discharge the Committee on Rules from Assembly Bill Number 11950-A and substitute it for the identical Calendar Number 420.

Senator Marchi moves to discharge the Committee on Rules from Assembly Bill Number 11848-B and substitute it for the identical Calendar Number 398.

On page 28, Senator Spano moves to discharge the Committee on Rules from Assembly Bill Number 12000 and substitute it for

the identical Calendar Number 1216.

On page 32, Senator Montgomery moves to discharge the Committee on Rules from Assembly Bill Number 4109-A and substitute it for the identical Third Reading 1354.

On page 33, Senator Velella moves to discharge the Committee on Rules from Assembly Bill Number 9582 and substitute it for the identical Calendar Number 1360.

On page 33, Senator Levy moves to discharge the Committee on Transportation from Assembly Bill Number 2438-A and substitute it for the identical Third Reading 1361.

On page 33, Senator Stachowski moves to discharge the Committee on Rules from Assembly Bill Number 9465-B and substitute it for the identical Third Reading 1362.

On page 33, Senator Seward moves to discharge the Committee on Rules from Assembly Bill Number 9832-A and substitute it for the identical Third Reading 1363.

On page 34, Senator Present moves to discharge the Committee on Rules from

Assembly Bill Number 11587 and substitute it for the identical Third Reading 1366.

On page 35, Senator Lack moves to discharge the Committee on Rules from Assembly Bill Number 11513, and substitute it for the identical Third Reading 1371.

On page 35, Senator Present moves to discharge the Committee on Rules from Assembly Bill Number 11632-A and substitute it for the identical Third Reading 1375.

On page 35, Senator Skelos moves to discharge the Committee on Rules from Assembly Bill Number 11700 and substitute it for the identical Third Reading 1377.

On page 36, Senator Libous moves to discharge the Committee on Rules from Assembly Bill Number 11828 and substitute it for the identical Third Reading 1380.

ACTING PRESIDENT KUHL: Substitutions are ordered.

Senator Present, that brings us to the calendar.

SENATOR PRESENT: Mr. President,

we are going to attempt -- we are trying starting today to start every session 11 o'clock in the morning. We can only do it if we have full cooperation of all the members, so I plead again for those members not here to report to the Senate chambers immediately.

Mr. President, let's take up the non-controversial calendar.

ACTING PRESIDENT KUHL: Secretary will read the non-controversial calendar.

THE SECRETARY: On page 5 of today's calendar, Calendar Number 289, by Senator Daly, Senate Bill Number 3204, an act to amend the Social Services Law.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 702, on page 14, by Senator Daly, Senate Bill Number 3205-A, an act to amend the Social Services Law and the Public Health Law.

SENATOR GOLD: Lay it aside,

please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 704, by Senator Holland, Senate Bill Number 4368-A, an act to amend the Social Services Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: There is a local fiscal impact note at the desk. The bill will be laid aside.

THE SECRETARY: Calendar Number 705, by Senator Holland, Senate Bill Number 5422-B, an act to amend the Social Services Law and the Executive Law.

SENATOR JONES: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 706, by Senator Holland, Senate Bill Number 6500.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number

708, by Sen...

SENATOR GOLD: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 799, by Senator Holland, Senate Bill Number 736, an act to amend the Social Services Law.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 800, by Senator Holland.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 801, by Senator Daly.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR GOLD: Excuse me.

THE SECRETARY: Calendar Number 9...

SENATOR GOLD: Excuse me.

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

SENATOR GOLD: May I just make an inquiry of the desk as to how many people are checked in today? I'm not asking a quorum call; I just want to know.

ACTING PRESIDENT KUHL: There's 31 members checked in, Senator Gold.

SENATOR GOLD: Well, I would just like to say I very much appreciate Senator Present's attempt to start on time today, and I would urge that people understand that this calendar as it came out, seems to have a direction that it is following. There are a lot of issues on here which you could describe as social service issues and there may be a lot of people in their offices who are interested in these issues and may want their positions not only recorded later in the day, as if I were here please, unanimous consents, they may want to speak on these issues.

We are in a calendar call, and I

would urge everyone to come to the chamber. Senator Present has done everything he can, and I would like to be supportive of that, so I would urge people to please come to the chambers.

ACTING PRESIDENT KUHL: Secretary will continue to call the non-controversial calendar.

THE SECRETARY: Calendar Number 990, by Senator Cook, Senate Bill Number 2915-C, an act to amend the Social Services Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 993, by Senator Daly, Senate Bill Number 5407-E,

an act to amend the Social Services Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 994, by Senator Daly, Senate Bill Number 5533-B, an act to amend the Social Services Law.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 995, by Senator Daly, Senate Bill Number 6595-A, an act to amend the Social Services Law.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 996, by member of the Assembly Jacobs, Assembly Bill Number 10839, an act to amend the Social Services Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 997, by Senator Libous, Senate Bill Number 7515, an act to amend the Social Services Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 998, by Senator Holland, Senate Bill Number 8349-A, an act to amend the Social Services Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 999, by Senator Holland, Senate Bill Number 8353, an act to amend the Social Services Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

SENATOR GOLD: Hold on. All right. Last section.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1133, by Senator Holland, Senate Bill Number 8344-A, an act to amend the Penal Law.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR GOLD: Can you just hold on for one moment, please.

Thank you very much.

ACTING PRESIDENT KUHL: Secretary will continue to call the non-controversial calendar.

THE SECRETARY: Calendar Number 1238, by Senator Daly, Senate Bill Number 8261-A, an act to amend the Social Services Law.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1239, by Senator Daly, Senate Bill Number 8266, an act to amend the Social Services Law.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

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

SENATOR PRESENT: Mr. President, I move that we adopt the Resolution Calendar with the exception of 4136.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yeah, I apologize. I interrupted and I didn't mean to, Senator Present. There's a bill we did pass, 999. Yeah, could we please reconsider that

vote? I'm sorry, Senator.

ACTING PRESIDENT KUHL: We'll return to motions and resolutions. The motion is to adopt the Resolution Calendar with the exception of 4136.

SENATOR PRESENT: And may I amend my motion to except 4076 too, with the exception of 4076.

ACTING PRESIDENT KUHL: 4076. The question is on the -

SENATOR GOLD: Hold on. Yeah, Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: I don't have an objection, but there were two bills, two resolutions, 4167 and 4168, which I think are appropriate for sponsorship by the house, and I would ask that they be opened up in our usual way and unless somebody wants to be off.

SENATOR PRESENT: 4167 and 4168?

SENATOR GOLD: Yeah.

SENATOR PRESENT: Mr. President,

I would suggest that all members of the house be co-sponsors of these two resolutions with the exception of those who decline.

ACTING PRESIDENT KUHL: The Chair will direct the Secretary to place all members of the Senate chamber on Resolutions Number 4167 and 4168 unless those members decide they don't want to sponsor the resolutions, and they should indicate such to the desk.

The question is on the adoption of the Resolution Calendar. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The Resolution Calendar is adopted with the exception of Resolution 4176.

Senator Gold.

SENATOR GOLD: Oh, yes, thank you.

ACTING PRESIDENT KUHL: With regard to Calendar Number -

SENATOR GOLD: 999.

ACTING PRESIDENT KUHL: -- 999, the motion is to reconsider the vote by which the bill passed the house. Clerk will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR GOLD: Lay it aside, please.

ACTING PRSIDENT KUHL: Senator Present?

SENATOR PRESENT: Mr. President, will you recognize Senator Cook, please.

ACTING PRESIDENT KUHL: Senator Cook.

SENATOR COOK: Mr. President, I believe I have a privileged resolution at the desk. I'd like the title read and the passage of it, if you would, please.

ACTING PRESIDENT KUHL: Secretary will read the title to Senator Cook's privileged

resolution at the desk.

THE SECRETARY: Legislative Resolution Number 4136, by Senator Cook, honoring Joyce G. Valenti upon her being selected New York State Teacher -

SENATOR COOK: Mr. President, wrong resolution, privileged resolution honoring Henry and Gladys Wilcox, the privileged resolution. It's not on the calendar.

THE SECRETARY: Oh, I'm sorry.

ACTING PRESIDENT KUHL: We now have the privileged resolution at the desk. Ask the Secretary to read.

THE SECRETARY: Legislative Resolution, by Senator Cook, commending Henry and Gladys Wilcox for their commitment and dedication to the community of Masonville, New York.

ACTING PRESIDENT KUHL: Question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Chair recognizes Senator Present.

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

ACTING PRESIDENT KUHL: Secretary will read the non-controversial -- or excuse me, the controversial calendar.

THE SECRETARY: On page 5, Calendar Number 289, by Senator Daly, Senate Bill Number 3204, an act to amend the Social Services Law, in relation to training and employment-related requirements.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: An explanation has been asked for, Senator Daly, by -

SENATOR DALY: Mr. President, this bill strengthens the sanctions of Home Relief recipients who do not comply with training and employment requirements. It also clarifies the burden of proof for failure by public assistance recipients to comply with

education, training and employment-related requirements, rests with the recipient; makes clear that anyone who voluntarily quits his or her job is ineligible for Home Relief or AFDC benefits for 75 days.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Gold.

SENATOR GOLD: Thank you.

Would the Senator yield to a question?

ACTING PRESIDENT KUHL: Senator Daly, would you yield?

SENATOR DALY: Yes, I will.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR GOLD: Yes. Senator, first of all, does this bill deal with the issue of conciliation, and what does it do with it, if anything?

SENATOR DALY: Deal with the issue of conciliation?

SENATOR GOLD: Am I right on it? Yes.

SENATOR DALY: No.

SENATOR GOLD: I'm told my counsel -

SENATOR DALY: What phase of conciliation, specifically what section of the bill are you talking to?

SENATOR GOLD: All right. Well, while we get that, let me ask you a different question, all right?

SENATOR DALY: All right.

SENATOR GOLD: The Constitution, which generally never gets in our way when it's inconvenient, requires care of the poor and the needy. If we have sanctions against it, why is that not challengeable constitutionally?

SENATOR DALY: We already have sanctions, Senator. We already have sanctions. This increases the sanctions. Sanctions already exist in cases such as this, and this also moves the -- read it here, burden of proof.

SENATOR GOLD: Senator, I draw your attention, if you may -- if you would, to page 3 of the bill, lines 21 to 26, and what is

that intended to do?

SENATOR DALY: M-m h-m-m. Lines 21 through 26?

SENATOR GOLD: Page 3, lines 21 -

SENATOR DALY: Page 3, I'm looking at page 2; you'll have to excuse me.

SENATOR GOLD: Page 3 which deals with the conciliation procedure.

SENATOR DALY: That -- you talking about the change there on line 22? Where the participation of an applicant for or recipients of aid to dependent children, that additional change? It does deal with the conciliation process, you're right, Senator, it does.

SENATOR GOLD: All right. Well, Senator, thanks for your time.

I, once again, before I make my comments, would urge my colleagues on this side of the aisle who have interest in this legislation to please come to the chamber. Obviously, there'll be an opportunity to do

something with your vote later but, if you want to be heard on these issues, now is the time.

At this point, I see other people want to speak, and I'll hold my remarks. Senator Dollinger, did you want to -

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, will the sponsor yield to a question?

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR DOLLINGER: I think I understand the intent of this bill, Senator, and I agree with major portions of it. I'm just concerned about the issue of the burden of proof. Where in the statute or in the bill does it mention the shifting of the burden of proof? Could you just explain to me how that portion works?

SENATOR DALY: It mentions it on page 2, line 16 and 17; we take out "wilfully." We'll delete the word "wilfully." Usually -

with "wilfully" still in, with "wilfully" in the law, that puts the burden of proof on the Department.

SENATOR DOLLINGER: What's in the law?

SENATOR DALY: We remove the word "wilfully".

SENATOR DOLLINGER: O.K. But that means so -- does that really alter the burden of proof or just reduce it?

SENATOR DALY: It alters it, "alters" is a better word.

SENATOR DOLLINGER: And the other question I have, and again it may be in other parts of the statute other than in this bill, but how is the adjudication made that someone has -- has voluntarily terminated their employment or reduced their earning capacity? What type of procedural step is there? I assume someone comes in and applies for benefits because they've lost their job and, as part of the disclosure process, they provide information that says "I left my last job under X

circumstances."

How is the adjudication of the circumstances of the loss of employment or the reduction of employment, how is that made?

SENATOR DALY: I'm sorry, Senator. Please repeat that.

SENATOR DOLLINGER: Again, I apologize.

SENATOR DALY: You lost me in the middle.

SENATOR DOLLINGER: As I understand it, the way this works is that, if you voluntarily leave your employment or if there is a reduction in your earning capacity, you will not be eligible for benefits.

SENATOR DALY: That's right.

SENATOR DOLLINGER: If you're an AFDC recipient, and my question is, how is the adjudication of whether they voluntarily left their prior employment or they had a reduction in their earning capacity, how is that made?

SENATOR DALY: Well, the Department makes that determination.

SENATOR DOLLINGER: O.K. That's made at the time of application.

SENATOR DALY: Yes.

SENATOR DOLLINGER: And that's in the normal hearing process.

SENATOR DALY: And they would receive emergency assistance until the final determination is made.

SENATOR DOLLINGER: Thank you. I have nothing further, Mr. President, thank you.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Gold.

SENATOR GOLD: Yes, I just want to ask Senator Daly one last question.

ACTING PRESIDENT KUHL: Senator Daly, do you yield to Senator Gold?

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR GOLD: Senator, is this the identical bill that we had last year for that amendment?

SENATOR DALY: Yes, it is.

SENATOR GOLD: Mr. President, I'll yield to Senator Espada then and then I'll come back.

ACTING PRESIDENT KUHL: Chair recognizes Senator Espada.

SENATOR ESPADA: Will the sponsor -- thank you, Mr. President. Mr. President, will the sponsor yield to a question?

ACTING PRESIDENT KUHL: Senator Daly, will you yield to a question of Senator Espada?

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR ESPADA: Senator, with respect to the non-compliant population that we seek to target in this legislation, what in formation do we have about their non compliance; is it just a broad stroke that we're taking here, or do we know specifically why people are not compliant with training programs that they're mandated to attend?

SENATOR DALY: No, we didn't make

any studies of the number of people who are not in compliance or why they're not in compliance. Very frankly, basically, what we're saying is that we do believe that there should be more of a -- as you know, welfare, of course, is a carrot and also a stick.

SENATOR ESPADA: I'm sorry; I can't hear.

SENATOR DALY: Pardon?

SENATOR ESPADA: I couldn't hear that.

SENATOR DALY: All right. Let me start over. The thrust of the legislation is to try -- is to keep people who are on welfare at work and, very frankly, it's a push, it's a push by the state saying, Listen, you just can't depend on the state, on welfare for the rest of your lives. You have to work, and this is a sanction.

It is a sanction, Senator, I agree, on people -- people on welfare who, very frankly, leave their jobs, quit their jobs to remain or they get on welfare or really to stay

off -- to stay on welfare.

SENATOR ESPADA: If I may, Mr. President.

ACTING PRESIDENT KUHL: Senator Espada.

SENATOR ESPADA: The thrust of this, if I heard you correctly, is really a job creation, job maintenance type of effort that you seek to enforce here?

SENATOR DALY: No, I say more - very frankly, it's a deterrent so that clients will continue to comply with training and work requirements. It is a deterrent. It's saying if you do not obey the rules and regs, the work and the -- for training and work, the requirements that the state has set, then you will be punished. It's a deterrent.

SENATOR ESPADA: If I just may continue. I'm aware this -

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

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Senator

Daly continues to yield.

SENATOR ESPADA: Are you aware for our clients, that this is first and foremost a punitive measure? But I would ask that, are you aware of a study recently conducted by the Safety Net Monitoring Project wherein they find that the client sanction is primarily for paperwork and reasons given for non-compliance had to do with not only paperwork, but other family crises, lack of day care, lack of a support system in effect. While I agree with you that people who are able-bodied that other wise are available for the work force should be worked or encouraged to work, I am very concerned because I know that this is one of many measures that would be brought to this floor for a vote.

I am very concerned that we're not paying attention to that support mechanism that people need to continue to go to their work sites.

SENATOR DALY: Senator -

SENATOR ESPADA: So the question

is, are you aware or concerned with the lack of a support mechanism -- transportation, day care, for the HR/AFDC population?

SENATOR DALY: Senator, first may I say several things in answer to your question, your concerns, which is good.

The regulations do have a list of exceptions for good cause. It's right here in Section 383.19 of the regulations. There are - there are exemptions from this law for good cause. Let me say for example, the place of employment requires reasonable travel from the applicant's or recipient's home, transportation between the applicant or recipient's home and place of employment is unavailable, and on and on.

So there are -- the Department of Social Services can use those exemptions in - in dealing with individual cases. You've got to remember, Senator, that this bill is primarily, as I said, a deterrent so that clients do comply with these requirements. Frankly, it's -- the client must know that there are -- some of them

must know that there are serious consequences for their attempting to beat the system, in all honesty.

This legislation is aimed at those, hopefully a minority of people who want to beat the system and are running around from one -- go from one reason to another and, under the existing law, can get away with it. This bill is not there to hurt the person who -- who really needs the help, who is using welfare as a transitional -- transitional element to help to move them, to move them forward, move themselves forward.

SENATOR ESPADA: Mr. President, thank Senator Daly.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Gold.

SENATOR GOLD: Thank you. Senator Mendez, I think, had a question, or you want me to talk first?

ACTING PRESIDENT KUHL: Senator Mendez.

SENATOR GOLD: I yield briefly to

Senator Mendez.

SENATOR MENDEZ: Thank you, Senator Gold.

Mr. President, would Senator Daly yield for a question?

SENATOR DALY: Senator Daly, do you yield to Senator Mendez? Senator Daly yields.

SENATOR MENDEZ: Senator Daly, in your bill, any person who quits the job will not be entitled to receive Home Relief, is that so?

SENATOR DALY: Not unless they can be -- they have legitimate reason which exempts them from the -- from the sanctions in this bill, and I mentioned that DSS can have exemptions which would excuse someone who really had a significant problem in that job.

SENATOR MENDEZ: Well, then, how will this bill affect a woman who quits her job because she is being harassed sexually by her boss and she doesn't want to make any big scenes and just leave the job because she feels very uncomfortable with it, or because she is unaware

of the magnificent legislation that we passed last week here in this Legislature? How would that -

SENATOR DALY: That would be a very -- I don't think -- we're checking right now, Senator, but I don't think that's one of the exemptions, reasons for exemption given, but it would seem to me someone who is harassed has the normal legal channels to which she can go and certainly should go if there is sexual harassment involved. Certainly she should go through the channels that already exist.

SENATOR MENDEZ: I know you agree with me that that woman shouldn't be penalized for a situation that she is not responsible in creating. However, this bill, the person that does the intake and, you know, in our different social services offices might very well, since it's not clear in the legislation that that situation would not be acceptable, might just say, "Well, sorry, Lady, you're out of luck, you're unable to get the benefits." See what I mean, Senator Daly?

SENATOR DALY: Well, as I said, we're checking the exemptions right now, Senator. My staff, my aide tells me that there is language in there that she could use. But I submit to you, remembering also the purpose of this bill is to try to get, very frankly -- to have an effect on those people who try to beat the system, and unfortunately, it would be someone could could beat the system by saying one time after another, "I was sexually harassed," and then automatically be exempted from the sanctions.

So we do have that problem. I want to close those doors. I don't want to open up new windows.

SENATOR MENDEZ: Yes, I understand you feel that way.

SENATOR DALY: And that's why I would suggest the system that we have right now should deal properly with sexual harassment should that be involved.

SENATOR MENDEZ: Thank you, Senator Daly. I appreciate your brief

explanation. I hope that the clarification would be sufficient at this point to have to follow my inclination, I'm voting for this bill.

On the other hand, as long as we have to concentrate and maybe find other ways in which we could resolve the problems that make the administration of our public assistance that makes everybody very angry, without getting new solutions, without pounding or denying benefits to people that really are constitutionally entitled to receive them.

Thank you, Mr. President.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Gold.

SENATOR GOLD: Thank you. I am in no way closing the debate here, but I would like to make some remarks of my own.

Last year there were 14 people in the negative, including Senator Mendez and Senator Connor, Espada, Galiber, Gold, Leichter, Markowitz, Montgomery, Nolan, Ohrenstein,

Paterson, Santiago, Smith, and Stavisky and, as Senator Daly said there has been no change.

What troubles me about the calendar today in general, at least this part of the calendar, and we understand there will be other calendars coming out, is basic philosophy.

Now, in 1970, all we used to hear was about welfare cheats, welfare cheats, they're rippin' off the state and got to do something about welfare cheats, and I thought that we were prodded to do some things and pass some legislation. We got into the '80s and I'd go through these campaigns at home, and I'd talk to people about how the statistics were down. We've been able to do something about cheating. The word "welfare" along the way became a dirty word; we don't use that any more. We have gotten the words "public assistance", "social services", we changed the vocabulary.

Now, we got through the '80s and we're in the '90s and I should know, if I didn't look at a calendar I could tell you, I'll bet

every one of you -- my eyes are closed; I won't look at a calendar, I'll bet you it's an election year because there they are out there. It's every, every fiscal difficulty in the state of New York, every problem in the state of New York goes back to those same bums we were talkin' about in 1970, and, of course, I feel embarrassed for the Majority in this house, because for those 20 years you've had the Majority and apparently all the bills that you've pushed through and forced everybody into didn't do too much good.

Well, the truth is, Senator Daly, we have done a lot of good, have done a lot of good, but your argument, Senator Daly, you can't mean what you say. We've got to keep them active, it's a push to get these people active. There are lazy people out there beatin' the system. I don't know who you're talking about, Senator, I really don't know who you're talkin' about. There are people out there who are under-educated; there are people out there who are not of the same mental capacity as others,

because regardless of what racial or ethnic back-ground they happen to be -- and I'm not pointing at any group, but I mean who are we talking about?

The -- there's a memo I have in opposition from the Federation of Protestant Welfare Agencies. It says that in 90 percent of the FAIR hearings, the welfare agency has been found at fault, and the eligibility reinstated. Their comment is, we're imposing unrealistic sanctions on the poorest of the poor in our state. That's why they're opposed.

My inclination, Senator Daly, is that, if you examine the case files, if you want to go into it and see what really is going on, the people who are causing the problems that you seem to think exist are later found to be sick, illiterate, mentally retarded or otherwise disabled and, in these instances, you say they may not fall under your bill in one way or the other, but if nobody is going to fall under the bill, why are we doing the bill? Why?

A recent study by the Safety

Network, Safety Net Monitoring Project composed of client advocates, found that the clients were sanctioned primarily for failure to submit paperwork or for failure to appear for employment. And the reasons? Recipients never received the forms; third party refused to cooperate in completing the forms; they were never informed of the appointment; recipients did not appear and in 75 percent this says that the non-compliance was voided at hearings.

There are some expressions that are used over and over in different situations. How often have you heard, Well, if this -- if we do this penalty and it saves one life, it's worth it, you know. It's worth it if it's one life. Did you ever see a television camera turn off when there was one little child in a well and there was 80 cabillion dollars of equipment and everybody is saving that one little life?

Well, Senator Daly, I understand that our social service programs are expensive, but we're not saving one little life, Senator. Hopefully, if they're working properly, we are

saving thousands of lives, tens of thousands of lives, hundreds of thousands of lives.

And this bill, Senator, unfortunately, in the opinion of a lot of us, I wouldn't call it flag waving, but I'd call it scapegoating, and I'm not saying you're trying to do that. Senator Daly, I've never accused you personally of anything other than pure motives, but I've heard you answer questions from my colleagues this year and in other years and, if you're correct that all the reasons and excuses to take people out of the bill, I don't know who you think you're left with. I don't know who you think you're left with.

I know the one thing that we're left with if this bill is read, is a bad taste in our mouths about people who happen to be poor and need help, and that just isn't fair. It's not fair to do to them. I guarantee you, Senator Daly, that the poorest people in this state are not the ones responsible for national economic policy and haven't been throughout the Bush-Reagan years, and they are not the ones

like a certain U. S. Senator who calls a broker and can make 37,000 in a day, and I think they're the wrong people to pick on at the end of a legislative session.

If there are some legitimate, comfortable ways to eliminate fraud, and I mean comfortable, I don't mean that -- that comfort in the sense of making people in a luxury situation, I mean comfortable in a way that maintains people's dignity and takes a realistic approach as to what goes on out in the streets, I'm not going to oppose it, and I'm sure there are people on this side who won't oppose it; but we shouldn't start this day with a calendar which is meant to point fingers at people merely because they are poor and merely because they are disadvantaged, and I would hope that once again as last year, a substantial number of the people in this house will see past this bill and vote in the negative.

ACTING PRESIDENT KUHL: Chair recognizes Senator Waldon.

SENATOR WALDON: Thank you very

much, Mr. President.

I would ask Senator Daly to yield to a question or two, Mr. President.

SENATOR DALY: Sure.

SENATOR WALDON: Senator, last night I watched a film, The Barbara Broderick Story, and it caused me to do a circular kind of thought process regarding the O.J. Simpson situation which has brought before us spousal abuse as I've never seen it in my adult life in terms of a lot of people being sensitized to and made aware of.

Does this bill address the situations where women and sometimes men may not be able to follow through in the job application process because they are the victims of spousal abuse?

SENATOR DALY: Well, as I said, Senator, the rules -- the rules and regulations do exist, the Department of Social Services works with them. I have a copy of them right here. As I said, I can refer you to the page and regulation which allows exemptions from

this.

In other words, what we're trying to do is not hurt the person who can't go to that job. If the bus stops running from Point A to Point B and there's no way for that person to get transportation, that person will be exempt. What we're trying to do with this legislation, again, is to try to get those people who are beating the system and despite what Senator Gold says, there are people out there trying to beat the system.

Senator Gold contradicted himself. First he said he indicated there's no fraud, you know. We're just -- here we are, the guy with the guns attacking the poor people. I'll talk about that later, Senator; I'm not going to take up your time on the floor by going into comments I want to make concerning Senator Gold's comments, but I will say the legislation is aimed at getting to those people, getting those people who are trying to beat the system. We do not -- we do not amend or repeal the rules and regulations under Title 18 of Social

Service, 385.18 which allows for exemption for legitimate reasons for people who cannot meet these requirements.

SENATOR WALDON: So from that, if I may continue, Mr. President, I assume, Senator Daly, and correct me if I'm incorrect, that someone who was a victim, who was, I should say the victim of spousal abuse, might be exempted under one of the exemptions?

SENATOR DALY: Senator, I would be delighted to send you -- go down through them. I can't speak to that individual situation. I don't know all the rules and regs by heart, by rote. All I would say is that there are exemptions. We're not trying to get that person who has a legitimate reason for not being able to meet those needs and those requirements.

SENATOR WALDON: O.K. If I may continue, Senator Daly.

ACTING PRESIDENT KUHL: Senator Daly continue to yield? Senator Daly yields.

SENATOR WALDON: Just to respond

to another question. Senator, would you agree with me that one of the strengths of this nation which has been a strength of this nation since time immemorial, has been its Constitution and the Constitutions of our various individual states?

SENATOR DALY: Of course. Certainly, Senator.

SENATOR WALDON: Would you also agree, Senator, that there is a process for amending the various and sundry state Constitutions and as well, our federal Constitution?

SENATOR DALY: Yes.

SENATOR WALDON: Would you then agree with me that there's a possibility under this proposed legislation that we are, in effect, amending the Constitution without following the prescribed processes as I know them and perhaps as you agree they are?

SENATOR DALY: I -- no, Senator, I can't say that. I understand what the point you're making, what the -- of that clause in the

New York State Constitution, that is used in courts quite frequently in the social service area, but we have tried to draft these bills so as to be in compliance with the Constitution and we've had that in mind when the bills were drafted.

SENATOR WALDON: Thank you very much, Senator. I appreciate your indulgence.

Mr. President, if I may speak just briefly on the bill.

ACTING PRESIDENT KUHL: Senator Waldon, on the bill.

SENATOR WALDON: On many occasions, I have agreed with Senator Daly not only because he's an erudite person but because he is one of the true gentlemen in this house and we have had much dialogue on many issues. However, the point just made is one which causes me to, without equivocation, not be able to support him in this instance because the Constitution is very clear in Article XXVII that permanent sanctions of the nature prescribed by this bill would not only be in violation of the

Constitution, as I understand it, but would also create probably a greater burden financially on the state as a result of the suits which would ensue because of the violation of the Constitution and, though I would like to be supportive of Senator Daly whenever possible, this time I can not because the most important document that we have in this state is our Constitution, and I support it unequivocally.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Daly.

SENATOR DALY: Mr. President, I rise to comment on the statement made by Senator Gold in particular.

First of all, as I said, this legislation is aimed at people who are trying to beat the system, and to ignore the fact that there are people out there who do take advantage of our laws and our system, I think, is putting one's head in the sand.

We have to reduce fraud. We have to take off the rolls those people who do not

belong on the rolls and, as I -- may I also add, Mr. President, that this legislation is part of a package goes beyond just -- goes beyond -- let me begin that sentence all over again. This legislation is part of a package which is aimed at changing our welfare system in a great way, in toto almost, because very frankly, one of the problems that we have is that we've developed a system where we use a cup. We are great generous people. We give people a little cup and they can come, cup in hand, month after month, year after year, generation after generation, to the well to have the cup filled and I submit, Mr. President, that a system such as that does no favor to the state or the taxpayers of the state, and I point to the great increase in cost that's literally disrupted state government in so many areas over the last ten years and something we have to do something about; and Medicaid and welfare are intertwined as far as costs are concerned and cannot be separated.

But it goes beyond the money that

it's costing the state and the disruption that it's costing the state's economy and the -- and among the state's taxpayers, it goes to the people themselves, and if we are willing to accept the system where we give them that cup, and say, All right, come fill it every month, then we're doing a great disservice to those people because that type of life atrophies the mind and body and destroys the spirit and what we have to do is rise above that system and if it means at times we have to go to tough love then we go to tough love. I've had to go to tough love on a son when he was 23 years of age and it worked. There's nothing wrong with it. Unfortunately, it's difficult but we have to face reality.

The system we have today is not working. That's why you have 19 bills, Senator. It's not because we're trying, very frankly, I'm trying to get headlines in tomorrow's Niagara Gazette at all, because I believe very sincerely that the system we have in place has become in the minds of some a

permanent system, a permanent.

We have now -- what do we have? We have generation after generation after generation, 58 percent of the people on welfare come from families that were on welfare. 58 percent. Can't we recognize that we have a bad system here and that I'm not here, nor is Senator Holland, to beat up on the poor. Maybe it's because we care about the poor.

I care about the taxpayers too. We want to get the frauds and the cheats off welfare. What's wrong with that? Do they belong? That woman that several weeks ago reading the story in the paper of making hundreds of thousands of dollars. I don't know how many cards she had. How about the 224 people who came from New Jersey over to New York, with post office box numbers collecting welfare improperly? Should we turn our heads to that? Should we put our heads in the sand and say, Well, don't, don't go after -- they're poor; don't go after them.

And what are you doing to those

people who really want help, who realize that welfare should be transitional in nature? And that's the bottom line. It should be transitional in nature. It should not be permanent and yet you know what we've done? We've put in the minds of many people that welfare is a permanent way of life and young children born into welfare come up, raised with the idea that welfare is their ultimate opportunity.

And what do we give them? Instead of a life, we give them an existence. Why do we recognize that what we're doing in the state is wrong, not only in the state but for the people that we try to help; and why don't we change it?

ACTING PRESIDENT KUHL: The Chair recognizes Senator Espada.

SENATOR ESPADA: Thank you, Mr. President.

This cascade of punitive measures has absolutely nothing, nothing to do with improving the lives of poor people. Let's just

get that straight.

The premise, this premise of - that people who are on welfare are frauds, I don't -- I'm sure that the transcript will read as Senator Daly and others justify this competition for, you know, who's going to win the Frankenstein law award for the most mean-spirited measures against poor people, this kind of contest will go on and in the end, as we know -

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

SENATOR DALY: Will the Senator yield to a question.

ACTING PRESIDENT KUHL: Senator Espada, you want to yield to a question?

SENATOR ESPADA: I would love to; I just want to finish this thought, and then I'll engage with Senator Daly.

ACTING PRESIDENT KUHL: Senator doesn't yield.

SENATOR ESPADA: This two to three percent that the Department of Social

Services -- this is not my Department of Social Services; it is our New York State Department of Social Services unencumbered by any biases or election year kind of messages to the folks out there -- has said that two to three percent is the fraud rate. Actually they didn't use the word "fraud." Much of it has to do with administrative error, they say, of the two to three percent of the problem population here. Most of it has to do with administrative errors and so let's be truthful here when we focus in on this problem, when this nation talks about health care reform, the crime problem and right next to it welfare reform, these are national issues that command the kinds of dignified approach and thought that is missing here in these legislative initiatives because the truth of the matter is that in the last five years the welfare rolls have swelled by about 33 to 40 percent.

There are reasons for that. You want to attack certain incumbent governors because they have been responsible, allegedly

been responsible, for the national recession that has led to 3-, 4-, 500,000 jobs mostly manufacturing jobs leaving our state.

Well, isn't there some kind of correlation between the loss of those types of jobs, permanent structurally lost to our economy and the increase in welfare rolls? Isn't there something that we could start saying about the structural problem that we have about the generational dependency on public assistance other than focusing in on the two to three percent of the criminal element that, in a premeditated way, go out there to cheat the system?

I don't know that you attack any problem on any level by starting off with the fringe element, with the one to two percent. Why not focus in on the hard core, the nucleus of the problem which is job creation, day care, child care, which is trying to get people through an education system with its terrible inequities that we've spoken to many times here.

Why don't we do that? Because they don't make good sound bites; because in an election year and two-year terms, it doesn't give us enough time to go to our communities and say, You know what? We need to increase money for people in job training programs, people who suffer from child neglect, from spousal abuse, from all these other ills that we, from time to time, recognize with Hollywood and the news media forces us to come to grips with the issue. No, we don't want to do that.

Instead, we want to go out there and say, Hey, what, you know, if they should happen to win a lottery for a million dollars we nail them and if they don't show up because they are -- suffer from a mental illness or any number of other problems, too bad, it's tough love. They won't be on and, you know what? Not just for, you know, three months or four months, we took them off permanently.

Now, we have a rather extensive data base that's accumulating here off of Wisconsin, some other states that have taken the

lead in these punitive measures wherein we start knowing that we're losing people from the welfare rolls so we can go back and say, Hey, the welfare rolls are declining, but the fact of the matter is that, as we take people off the welfare rolls, there is a concomitant increase in people's misery index in other areas, all of which cost us and them in other states a great deal of money.

So the goal really isn't to reform welfare. It's to take people off of welfare, and it's really a crusade to change the, quote, "morality of welfare," starting with, again, the basic premise that these people are lazy and do not want to work.

Now, Senator Daly and others, I agree, because we've had some exposure to one another -- yeah, personally, we're not out to get anybody, but these are ill-conceived legislative initiatives born out of probably, I would hope to think, is a lack of awareness.

I have, along with Senator Santiago, the highest population of AFDC and HR

dependent people in this state. You can not say that; Senator Holland cannot say that. People would have to take field trips and tours of other areas to really become familiar with the real misery and pain that people go through, generation after generation.

I am a second generation survivor of the welfare system, so when we talk about really knowing the problem and when we talk about really wanting to do something to not only eradicate the welfare system and move people off of welfare, we should focus in on eradicating the need for welfare. We can always get away with taking shots at this whole premise that people are lazy and don't want to work because the fears that trigger that stuff and the emotions that trigger that stuff in your district and in others is always there.

But we are better than that. You are a stronger leader than that and so are others, and so what we are asking people to do as we pass all these measures here today -- I'll vote against all of them; I'm sure some other

people will join me in that, but the fact of the matter is that we're still, despite our dissent and opposition, are pretty much -- are pretty much, I would say, totally focused in on the punitive side of this rather than on the helping, assisting, promoting people to a higher level of -- of human dignity.

You know, just to summarize and to indulge any questions, you can not, once you strip people of their dignity, you can't do anything for them, and so as you send this message that we're not dealing with two or three percent of the problem but what we're labeling 80, 90 percent of the problem, fraud, and not meriting any real assistance from us, you are creating a generation without any dignity or respect for themselves, and it's going to be very, very difficult to undo that, and I yield to any questions, sir.

SENATOR DALY: O.K. I would like the floor, Mr. President, but I have no questions of the Senator.

ACTING PRESIDENT KUHL: All

right.

Senator Leichter. Senator Leichter -- we have -- the Chair has a list running. I expect to have a list running most of the afternoon, so if you will just indicate to me that you wish to speak on a bill we will certainly do that. Currently I have two speakers. Senator Leichter is next, Senator Dollinger following Senator Leichter.

The Chair recognizes Senator Leichter.

SENATOR LEICHTER: Mr. President, my colleagues, I listened to Senator Espada and I listened to Senator Daly. I think that Senator Espada deals with facts, deals with the reality. Senator Daly, you deal with myths. Lets me say I know you personally and I know, therefore, that you're extremely warm-hearted and generous personally, but yet when I heard you speak, it was like you were a character out of a Dickens novel, you know, saying poverty is a sin, and talking about cheats and people who try to beat the system.

Senator, we're dealing with myths. The fact of the matter is that our welfare system is not a generous system. You talk about the tin cup and filling the tin cup. People don't go on welfare because this is such a good and easy life. Senator, it isn't. We've seen the amount that people receive under Home Relief and Aid For Dependent Children shrink. We haven't raised the shelter allowance in four, five years. It's a disgrace, so the idea that people go on welfare because of the generous benefits is just bunk.

People go on welfare, Senator, for a number of reasons. And is it a national problem? Absolutely. Do we have to do something about it? Yes, absolutely. But the sort of punitive approach is not the way to go. Let's take a look at who is on welfare, what brought them to welfare, and the one thing that's totally lacking from your equation, Senator -- and it's a glaring gap -- is the fact that we have an economy which does not have a sufficient number of jobs. We have a high rate

of unemployment, Senator, very high rate, certainly compared to Japan and Germany, and there just are not jobs. There particularly are not the lower level entry jobs that fueled our economy and sustained our society some 50, 75 years ago, maybe even as long ago as 30 years, and to deal with the welfare problem, to change welfare as we know it, as President Clinton has summoned the nation to do, but unfortunately we have not yet found the will either in Congress or for that matter here. To change that system is going to cost money. If you want to get people off welfare, you're going to have to spend money and that's the last thing that you're willing to do.

You know what you're going to have to address? You're going to have to address educational needs.

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

ACTING PRESIDENT KUHL: Yes, Senator Leichter yields.

SENATOR DALY: Have you read the

bill that will be coming out shortly called the "family in transition" bill? Have you read the bill coming up shortly that is called the inde pendence transition in family bill?

SENATOR LEICHTER: Senator, when we get to that bill -

SENATOR DALY: Well, then, Senator, before you make broad statements like that that we're not willing to spend money, I suggest you read the rest of the bills.

SENATOR LEICHTER: Well, Senator, we have a bill before us right now, and we also have, I respectfully submit, an attitude which I think was extremely well expressed by you in your comments talking about the tin cup and people beating the system, and so on. That really was it. You start off with the view that anybody who's on welfare is a cheat and they've got to prove that they're entitled to be on there. That's the attitude, Senator, and the point that I'm trying to make to you is that what you're going to have to do is, you're going to have to deal with people, many of whom,

unfortunately are dysfunctional. You're going to have to deal with people who don't have education. We're going to have to find a way to enable these people to gain an education. It's going to be difficult. Yes, we've had generations that have grown up in welfare -

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

SENATOR DeFRANCISCO: I'd ask if Senator Leichter would yield to a question.

ACTING PRESIDENT KUHL: Senator Leichter, do you yield to Senator DeFrancisco? Senator Leichter yield.

SENATOR DeFRANCISCO: Senator Leichter, you indicate there is a need for education. Are you aware of the fact that just five years ago, 27 percent of every dollar in the state budget was spent on education and 27 percent was on social services and presently this year, 20 percent of every dollar in the state budget is spent on education. That's 20 percent; it went down 7 percent. And 38 percent is now being spent on social services. And do

you understand, I guess is the question, that every extra dollar we spend and cannot save on social services has been translated into one less dollar for education spending?

SENATOR LEICHTER: Well, Senator, there's not an inevitability; this is a decision that was made in this house, primarily in this house; I guess also in the Assembly. It's unfair to say just in this house, but it was a decision that was made as to how we were going to allocate money in a particular pie. There were some of us, Senator, who for some years have been calling for increased revenue to deal with this problem.

SENATOR DeFRANCISCO: But will the Senator yield again?

ACTING PRESIDENT KUHL: Senator Leichter, you continue to yield?

SENATOR DeFRANCISCO: You agree there is a finite number of dollars to be spent in a state budget on all programs.

SENATOR LEICHTER: There is a finite number.

SENATOR DeFRANCISCO: Last point and then I'll let you speak, and that the greater the percentage spent on social services, the less for everything else, no matter who is making the decision; is that fair to say?

SENATOR LEICHTER: Senator, obviously that is correct, but that is not the entire truth. The entire truth is, Senator, that to reduce that amount that we spend on social services we're going to, in the first instance have to spend more money on education, job training, maybe job creation, more than that 27 percent that you talked about, the finite - the finite numbers that we have available, that are expandable to a certain extent.

We could have, I think, increased them more. I mean there's no sense you and I arguing about the budget now. We easily could, and we obviously have a different view. What we're looking at now are some of the issues that we need to address to achieve a goal that I think we all have. We'd like to move people off welfare.

It's demeaning for people on welfare; it's a social cost in many different respects, but to move people off welfare as basically you do by saying, You go out and get a job or we're going to remove you from the rolls, is illusory. It is illusory, one, because many of the people who are on welfare are not capable of having a job or they have children. We don't provide sufficient money for day care.

I go back again to the whole problem that we have in -- in educating people for the jobs that are now available, but the basic fact is, and that's the point that I was trying to make to Senator Daly and I want to make it to you and everybody here, is that we have an economy that does not produce enough jobs for all the people.

Senator, we have people in the Central Hudson region where, because of the cut backs in IBM, and so on, have become unemployed. These are not cheats. I have a place in the Adirondacks where we have a very high rate of unemployment. These are wonderful

people. They are not cheats, Senator, and what you need to address are how we can get people to -- first, to provide jobs and, secondly, to train them and teach them for those jobs and that's going to cost money, Senator, and your party is unwilling to put up that money.

SENATOR DeFRANCISCO: Would the Senator yield to another question?

ACTING PRESIDENT KUHL: Senator Leichter, you continue to yield to Senator DeFrancisco?

SENATOR LEICHTER: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DeFRANCISCO: Presently we do spend money on training and people on unemployment to get training skills, through social services, and I assume you think that's a good thing to continue. I assume that's the premise of what you're saying, but if someone fails to take advantage of the training requirements under the regulations that this governor has put together through his

commissioner, isn't it fair for government to say, if you fail to take advantage of programs that we are spending money on, that there should be some sanction so that you take advantage of these training programs?

SENATOR LEICHTER: But, Senator, there are sanctions in the law. Right now there are sanctions. If you fail to -- to show that you're engaged in the job search, I think, on the first time that you fail to do that, you lose 90 days of benefits, and so on, so that we do -- we do apply sanctions. Without question, there ought to be sanctions.

But the problem, Senator, is with many of the people who are on Home Relief is that unfortunately, many of them are not employable. They have problems of substance abuse. They have other -- they have other problems, some family problems, and so on, and you're going to need to address that. There's a memo in opposition by the Federation of Protestant Welfare Agencies that points out that when people have been taken off welfare and

there's FAIR hearings, that in 90 percent of the cases in the FAIR hearings, the action of taking them off benefits was wrong. It shouldn't have been done, and that's why we say to you that a bill that addresses solely the punitive aspects, that says we've got to double the sanctions, triple the sanctions, remove them, the second time that they fail remove them off the welfare rolls, that that's not going to assist or help you.

First of all, you may not be paying those people Home Relief, but they're still going to be living in our societies. They're still going to require assistance, whether it's other forms of social assistance, whether it's medical assistance or whether it's going to be the intervention of the criminal justice system. These are -- these are people who have a problem, many of them, not all of them but many of them do, and they're also people who are looking for jobs that don't exist and let me -- let's take a look.

Why do we have this shortage of

jobs? Not only in New York State, we have it throughout our economy. One of the reasons is because we've been pursuing nationally, an economic system or an economic philosophy, if you will, of tight money. We've -- we've seen in the last few years just as this economy began to stimulate some job growth, the Federal Reserve five different times has raised the interest rates. I think when the economic history of these days, of these times are written, I think the action of Greenspan and the Federal Reserve is going to be seen as a colossal blunder. They get the worst of all possible worlds. They have shut down an economic recovery that was going to create some jobs and, secondly, they made everybody think, gee, the dollar is weak, the American economy has problems, and we've seen the run on the dollar that has now occurred.

So they didn't even achieve what everybody thought would be the result of raising the interest rates which were -- would have the strengthening of the dollar. But I'm not going

to get on a long discussion of economic policy, and so on, but I do it only to the extent because it's undeniable that this is part of the problem.

Senator Daly, you didn't mention it at all. It's as if there's so -- all the jobs out there you want to get. That isn't true. Let me tell you what you see over and over again in New York City. You'll be walking downtown or in a neighborhood, suddenly you'll see a long line outside of a store. You say, What's happening here, and they'll say they've got two sales people positions and these are people waiting in line to try to get those jobs. And they're young people, and they're people sometimes you see them and they've got little kids in tow.

People want jobs. Most people want to work. We don't have an economy that provides jobs. It's a terrible problem that we have to face and that's really the sort of issues that we're dealing with and to premise the whole approach on trying to contain costs in

your social welfare program, everybody wants to contain these costs. Obviously, it's a great drain. Be wonderful if we didn't have to spend money for people on welfare, we didn't have to spend a penny for Medicaid. Wouldn't that be terrific? Obviously. Obviously you want to bring down these costs, but what we're saying to you is the way to bring down these costs is not just saying we're going to deny basic benefits that people need to live and they're living on the edge under these benefits. These are not great, wonderful, generous benefits.

As Senator Espada said, the rate of cheating in these programs is very low. It's a lot lower, Senator, than the people who cheat on their income taxes. I wish only one or two percent cheated on their income taxes, whether it's tax avoidance or tax evasion. You and I know we're talking of billions of dollars, billions of dollars just in the state of New York. I don't see you ever address that problem. And that's a much more serious drain on the revenue of this state than are the one or

two percent that cheat.

ACTING PRESIDENT KUHL: Senator Daly.

SENATOR DALY: Will the Senator yield to a question?

ACTING PRESIDENT KUHL: Senator Leichter yields.

SENATOR DALY: Have you ever put a bill in to attack that problem, Senator?

SENATOR LEICHTER: Well, we did. Yes, Senator, we did some things on the sales tax, sales tax collections. We did, Senator.

SENATOR DALY: Income tax.

SENATOR LEICHTER: And it had the usual success that most of my bills have had but maybe, Senator, if you'll join me, we could - we could do something together.

Senator, I think a simplistic approach to the welfare problem is not going to solve it. Unfortunately, in Congress and I -- I blame also to some extent, I don't want to use the word "blame," but I have to differ with the Clinton administration that has pulled back from

its welfare reform. You know why they pulled back? Because it was going to cost too much money. So they have a very modified, a very modest program to try to change welfare as we know it.

Do we have to change welfare? Yes. But you're not going to do it by these fiats saying we're going to remove people from the rolls irrespective. Senator, that isn't going to work. It's going to cost us more money and we're going to be back seeing our social costs rise in many different ways, and I suspect that we'll see some of these other bills beforehand, but that they are all premised on what you have enunciated, which is that welfare is a dole, that there are cheats on it, that we've got to get people out of it, out of the system because they're taking advantage of the system and, Senator, that sort of approach - and that's what we're saying on this side of the aisle; that's what Senator Gold said; that's what Senator Espada said -- that sort of approach is punitive, and it's not going to

work, Senator.

Let's look at the economic reasons. Let's look at the social reasons. Let's, to the extent that we can, marshal resources, let's try to deal with what are the real problems that have to be addressed, and then you can get up here and say, "I'm doing something to try to change the welfare system and to get people off the rolls."

Your bill will not do it.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I think the state of New York may be in trouble. I rise today to speak in favor of Senator Daly's bill. Sometimes I wonder perhaps when my colleague from Monroe and Niagara County and I agree, that may be bad news for the rest of the state.

But, Senator, I want to talk about your bill and address what I think is a very moderate change in the law that's currently in existence that deals with welfare recipients,

and I think to some extent you may have done a disservice to the bill by overselling the capability of this to root out the cheaters in the system and, frankly, open the door for those of us who share a concern which I haven't heard you deny, and I don't think you oppose that which make sure that we deal with the population on Home Relief in a way that is somewhat sensitive to whatever dilemmas they find themselves in their lives, and I think your bill, if you look at it carefully, could resolve some of the complaints that have been made.

ACTING PRESIDENT KUHL: Senator Dollinger, excuse the intrusion, we need a mechanical delay here, to give us just 30 seconds and then we'll proceed.

Thank you. Senator Dollinger, thank you for your indulgence.

Senator Dollinger, on the bill.

SENATOR DOLLINGER: Thank you, Mr. President.

Let me ask Senator Daly if I misspeak about any of the provisions of the bill

as I describe them, please jump up and correct me. First of all, there is an extensive hearing process both under current law that all of the changes that Senator Daly's bill would involve would all be subject to a hearing process and, as I understood in response to my question, the indication was that in the adjudication phase of these proceedings, if someone shows up and says, you have to -- the Social Service Department says, you have to attend training and then they say, O.K., I haven't or I won't, they have the right to, and then they're denied benefits. They have a right to contest that denial, go to an adjudication process, and will get emergency relief during the period of time that the adjudication is pending, so it's in a hearing process, a FAIR hearing process.

I know there are many of us who are concerned about that FAIR hearing process and is it really fair. How many of those who are denied actually come forward? Do they get the assistance of counsel? But nonetheless this bill doesn't address that process. It simply

says we will send those decisions off to that hearing process, so there's a protection built in for the recipient there.

Two, as I understand the bill, we currently have many of these sanctions on those who are under the AFDC program, so women and children who are getting benefits are already held to the standard that we're now going to apply to home relief recipients. So all we're doing is taking the same process and applying it to an additional category of welfare recipients.

We already have it in place with AFDC. I don't think that's a significant change. We've already got it in place for a large portion of those who may be getting public assistance.

Three, the issue of disability which has been talked about by my colleagues, as I understand this bill, this addresses that issue, because the bill says that you can be required to go and obtain health care and on page 2, it says you may require, the state

Social Service Department may say to someone who needs health care, someone who is disabled, someone who is suffering from mental illness, someone who would otherwise not be able to get through the process, this bill says that the Social Services Department can require that person to obtain health care.

I think that's a good step. I think that's a step that would say we're being sensitive and understanding to the needs of a population who comes in for public assistance. We can require them to go to health care. I think that's a good idea. I also think it's a good idea that we're able to send them to education, job training.

If the whole purpose of this is to try to get people to educate themselves, to expose themselves for job training, I think this bill, under the technical wording of it, drives the population that needs skills, that needs talents for the next generation of jobs in this state, I think this bill puts them in that direction, so to those of us who are concerned

about applicants who, because of their health or their lack of skills or the dysfunctional nature, are not able to understand the system, this bill simply says we're going to require you to go to job training, to go to health care.

Fourth, I think this bill -- and again, Senator Daly, perhaps you can correct me if I'm wrong, but this really takes an unemployment insurance model and puts it into application with respect to those who are on public assistance. Now, if you are -- become unemployed and you apply for unemployment insurance, you're required to show that you're out actively seeking a job or that you're taking training in order to be qualified for unemployment insurance.

If we treat those who are currently employed, who lose their employment and require that they go out and seek other job opportunities as a requirement of continuing their unemployment insurance, it seems to me it's not a significant departure from that, adopt the same standard for those on Home Relief

and again we're dealing with the Home Relief, we're equating it now with the process we have for AFDC.

I do have one concern about the bill, Senator, and I think it's something that we always tend to do is that I think you're going to see significant need for additional personnel in your local Social Services Department because we're giving them a bigger responsibility here. We're eliminating the wil ful requirement. We're changing the burden of proof. I think you're going to require more people in the social service application and processing departments to be able to handle the -- the difficulties and the issues that are going to arise.

I think you're going to see a need for additional FAIR hearings, at least in the short term. That's going to increase some of the costs to local service -- social service agencies, and I think you've got to be prepared to either fund some of those or recognize that local governments are going to have to fund

them.

I think the last point I'll make and -- on this is I personally don't think that this initiative will go the way of ending welfare as we know it. As long as we have poverty as we know it, I think we're going to continue to have the problem of what do we do with the poor? How do we handle the problem of bringing the poor into the middle class? How do we provide those incentives, provide the encouragement, provide the support, provide, as Senator Espada properly pointed out, the dignity to allow a transition into the middle class and into the -- into the, for lack of a better term, the composite of the American dream?

My hope is, and I think this bill is a minor change in the law, I don't think it's going to root out all the cheats. I don't think it will significantly punish those in our - unfortunate persons in sour society, dysfunctional, don't have training, don't have skill.

I see it as a minor modification

of our current system, something analogous to unemployment insurance. I think it's a step in a proper direction. I think we should keep our eye on it if this does pass and does become law to see what the impact is, to continue to monitor the impacts but at least as it's currently drafted, at least as I see it working, I see this as a small step and one that's appropriate under the current situation, one that I do not think will, frankly, lead to either the great hopes that some of its advocates may have nor create the great jobs that those of us, those on this side of the aisle who favor it see.

So I think this isn't a bad way to go. I'm going to vote in favor.

ACTING PRESIDENT KUHL: The Chair recognizes Senator DeFrancisco.

SENATOR DeFRANCISCO: What I'm going to speak on is these bills in general, so I won't be repetitive today.

I've mentioned it several occasions on the floor that there is only a

finite number of dollars that can be spent in the state of New York or in any other state, and when you see a trend over these last five years where education spending was equal to social services spending at about 27 percent and over that period education spending as a percentage of the state budget goes down to around 20 percent and social services up to 38 percent, something has got to happen.

You can not allow the spiral to continue for two reasons: Number one, you're affecting much needed programs such as educational programs where money should be spent first, in my judgment, and secondly, you're creating a spiral that is going to eat up every other aspect of government and there's other needs.

In addition, you can't keep expanding the pot. People in this room keep talking about we've got to create jobs, we've got to get people into productive work. We can't let people languish without jobs, and that's the real problem. Well, ladies and

gentlemen, jobs don't just -- jobs aren't just created by government. Jobs are created by an economy and, if you keep taxing those productive members of society more and more every year, then jobs leave the area and the welfare system gets worse and worse and worse.

So what's happening today, there are 19 bills, and the 19 bills are 19 different ideas on how we might attack the problem. For anyone to stand up in this room and say, I'm against all 19 because they're mean-spirited, I don't think is being open-minded at all. If these 19 aren't any good, at least some of them got to be.

SENATOR GOLD: Mr. President.

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

SENATOR GOLD: Would the gentleman yield to one question?

SENATOR DeFRANCISCO: Sure.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR GOLD: I know that you

know, with legislative hassles towards the end of the session many of us are walking in and out, and -- but are you aware of the fact that some have already passed unanimously?

SENATOR DeFRANCISCO: Yes, but I'm also aware of the fact that Senator Espada said he's going to vote against all of the bills today, and that's what I was referring to.

Now, it's obvious that the system that we have created is not working, and it's not democratic.

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

SENATOR ESPADA: Just -- would the gentleman yield to one quick question?

ACTING PRESIDENT KUHL: Senator DeFrancisco, will you yield?

SENATOR ESPADA: Will you be voting in favor of all 19 today?

SENATOR DeFRANCISCO: Probably, yes.

SENATOR ESPADA: Probably, yes?

SENATOR DeFRANCISCO: Probably,

yes.

ACTING PRESIDENT KUHL: Senator DeFrancisco, on the bill.

SENATOR DeFRANCISCO: The package of bills that we have today is not a cure-all to every problem in the social services system, but they're good ideas that deserve at least a chance because what we've done by recognizing the generational needs for social services is that the system doesn't work. You can't have a situation where it is economically more advantageous for someone to be on the system than be taking an entry level job, and that's precisely what happens as we speak.

The system now makes it more advantageous for someone to obtain the basic benefit, obtain the Medicaid benefit, the health benefit, and you're in better shape.

Now, anybody that's got a choice is probably going to take the safer choice and that's what's happening. So the point I'm trying to make is that there are only a finite number of dollars. The system is out of

control. We need to reform the system and these are 19 ideas and hopefully some of these ideas will work, and I believe they're all at least worth trying, so that we will have the funds needed for those truly in need that don't have any options, and also so that there will be an economy in this state that will generate the jobs that are real jobs for those that want them.

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

Senator Daly to close.

SENATOR DALY: To close, Mr. President, just briefly too because we've discussed this in depth. Senator Waldon raised a point before on the constitutionality and, Senator, I just wanted to read to you, my staff found this after our discussion and in the case of Alexander vs. Levine in 1972, the decision was there was no constitutional right for those who are able to be gainfully employed to receive public assistance, and that's what this bill deals with, those who -- who can be gainfully

employed.

Two more points, Mr. President. This bill was recommended to me, the idea came from a case worker in Niagara County who, again, saw people trying to beat the system. Mr. President, I will repeat for the last time, this bill is aimed at those people who try to beat the system, who are taking advantage of our system, of our welfare system which is out there to help those who need help. The bill is not intended to hurt those people who really need the help.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Waldon to explain his vote.

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

Some interesting points were raised in the latter part of the discussion and I would like to, in my own way, respond to one that Senator DeFrancisco raised.

As many of you know from the few years that I've been here, I've spoken about Patchen Avenue, the block I grew up on in Brooklyn, and I don't know if I've ever said it in this chamber, I know I've said it in other places. Everyone in that neighborhood was poor and many of us were on welfare.

I'm going to tell you about a few of the guys who did very well, and the reason I believe they did very well, which should hopefully give us some food for thought in terms of the kinds of things we do here. You may have heard me comment at some time in the past that in that cold water flat that I grew up in and everyone lived in on that block, they were all cold water flats, that my first experience with unions occurred because the rats and the roaches were so organized we thought they had a dues check-off system and at least shop stewards. I

mean it was a real attack when you went down to the basement to put your garbage out.

But from that neighborhood and from welfare, Dick Gaines, All-American Seton Hall; Lennie Wilkins, currently the coach of the Seattle -- not the Seattle, the Atlanta Hawks, who is my son's godfather, and I'm his daughter's godfather; Malcolm Dunn, one of the wealthiest black men in the Northeast, Dunn & Son Maintenance. And Rodney, I won't tell you Rodney's full name because Rodney did what a lot of people have anticipated in terms of those on welfare doing, he didn't become an out-and-out criminal, but he became someone who lives on the edge. He makes an enormous sum of money. He's the greatest ticket scalper in the world. They've even made a movie about him.

All of those kids were on welfare. The difference is we had something to do with our spare time and that was to play basketball. Everyone that I have mentioned was immersed in a basketball program somewhere, played for his or her high school team, went on

to college and played ball, and I believe it was the discipline of the round ball that kept us out of trouble because in that same block there are guys that, as a police officer, I saw as four-time losers. There are guys who died from ODs from heroin; there are guys who died at the hands of police officers because they became stick-up artists, but the guys who had something to do in the evenings and on Saturdays and on Sundays with Father Mannion at Holy Rosary who kept us all busy, ended up being O.K. because there was a program somewhere to keep us busy.

I applaud the concern about the finite sum of money, but I challenge us to realize that idle hands are the devil's play ground and if you want kids to extricate themselves from such meager backgrounds, you have to give them something productive to do. Basketball isn't the panacea, but certainly solid activities with the right kinds of support systems and the right kinds of role models can make a difference.

ACTING PRESIDENT KUHL: How do

you vote?

SENATOR WALDON: In that regard, I would like to close and just say that I'm voting on this particular bill in the no.

ACTING PRESIDENT KUHL: Senator Waldon in the negative.

Secretary will announce the results.

Senator Espada to explain his vote.

SENATOR ESPADA: Thank you, Mr. President.

Just in summation, I don't want to be misunderstood. We have shunned most welfare recipients as it gets people who know the system. We should revamp the entire welfare system. We hate the present welfare system. It is not cost-effective. It destroys lives. It destroys families. It's destroyed generations of people.

What we have to not want and what we can't start off with is a false premise and that's what we have here is this framework that

the welfare system is a system that's comprised of fraudulent lazy people that do not want to work, and that's why I will vote against any bill that emerges out of that framework.

We have, in our obsession to deal with a few recalcitrant clients, recipients, a bill here that will place a permanent ban on people that may at some point be in need of our entitlements. This, in my view, would violate the constitutional guarantees that we all have sworn to uphold.

I, in voting for this, will not support that. I do not support the bashing that continues to predominate here and would ask my colleagues to do the same, vote against this bill. Thank you.

ACTING PRESIDENT KUHL: Senator Espada is recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 289 are Senators Connor, Espada, Gold, Gonzalez, Leichter, Markowitz, Mendez, Montgomery, Ohrenstein,

Paterson, Santiago, Smith, Stavisky and Waldon. Ayes 42, nays 14.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present?

SENATOR PRESENT: Mr. President, would you recognize Senator Cook.

ACTING PRESIDENT KUHL: Senator Cook.

SENATOR COOK: Mr. President, I'd like to return to the order of motions and resolutions and ask that Resolution Number 4136 be read. Read it in its entirety, please.

ACTING PRESIDENT KUHL: We'll return to motions and resolutions.

The Secretary will read privileged resolution at the desk, 4136 in its entirety.

THE SECRETARY: Legislative Resolution, by Senator Cook, honoring Joyce G. Valenti upon her being selected New York State Teacher of the Year.

WHEREAS, it is the sense of this

legislative body that those who, by their actions, exemplify the very best in human nature deserve recognition;

This legislative body recognizes the fundamental importance of education and educators as it and they relate to the constant improvement of our state and nation;

Joyce G. Valenti, a biology teacher at the Windham-Ashland-Jewett Central School in Windham, Greene County, New York has been selected New York State Teacher of the Year;

Joyce G. Valenti began her teaching career at the Windham-Ashland-Jewett Central School 17 years ago;

Joyce G. Valenti has incorporated innovative methods in her teaching throughout her distinguished career, including the implementation of the Vinegar Factory, a student-operated business whose profits support scientific field trips for students, also includes the establishment of a peer mentor program which provides a high school buddy for

at-risk elementary students;

Joyce G. Valenti was nominated for this honor by teachers, parents, students, the school superintendent, the school principal and the superintendent of the Windham-Ashland Jewett Central School District;

Joyce G. Valenti has, since she was 14 years old, desired to become a biology teacher and live in Windham;

Joyce G. Valenti has pursued this goal by graduating from St. Catherine Academy and summa cum laude from SUNY-Cortland.

Joyce G. Valenti, with her husband John who also teaches science at Windham-Ashland-Jewett school and coaches Little League baseball, are active in their community through the Ski Windham ski and courtesy patrols, the chamber of commerce and the playground committee;

Joyce G. Valenti and John M. Valenti and their two daughters, Serena and Genevieve, are well respected in their community for their compassion, integrity, caring and

diligence;

NOW, THEREFORE, BE IT RESOLVED that this legislative body pause in its deliberations to recognize and honor Joyce G. Valenti upon her selection as Teacher of the Year and for all her efforts to better the lives of the young people in her class and for her effort to better the lives of all residents of the Windham area, and

BE IT FURTHER RESOLVED that copies of this resolution, suitably engrossed, be transmitted to Dr. Joseph Bernita, Superintendent of the Windham-Ashland-Jewett School District, and Joyce G. Valenti, the New York State Teacher of the Year.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Cook.

SENATOR COOK: Mr. President, it impressed me as I was reading the accomplishment -- accomplishments of Joyce Valenti that, as we had looked at some of the discussion recently of what good education ought to be, that we, in fact, found it personified in Joyce Valenti and

in the things that she has been doing not because somebody told her to do it, but because she, in her own inventiveness, understood that children need to be motivated, that they need to be directed, that in the process that they be enabled to accomplish things on their own and that in that process they learn.

I was impressed when I spoke with her and complimented her upon being selected as the teacher of the year, that her response was, Well, the children did it. And that's -- that's exactly the kind of attitude that you would expect from someone like Joyce Valenti, because obviously the -- yes, the children did it, but the children did it because they had that kind of guidance and that kind of inspiration that comes from an excellent, excellent teacher.

Not only is her guidance very personal, but she's an extremely creative individual and, when you read this -- and I don't know whether everybody picked up on this as it was being read -- but what they did was the students actually created a business in

which they are producing a -- a vinegar which is sold in stores, being sold as far away as New York City and indeed in stores in Puerto Rico. Not only do the children involve themselves in the production and, therefore, learn the processes of biology and the manufacturing process, but they also learn the business of how to do cost accounting and how to do sales, and how to keep track of the money.

It is an amazing project, and it doesn't happen just one year, it continues. It continues because Joyce Valenti enables it to continue from year to year.

And the other thing that I also found that she had done that is very insight ful, is that she has begun this mentoring program where older students in the school work with younger students. As someone who, at one time in my life, attended a one-room school house, I remember well that was what happened. The sixth graders taught the first graders to read. We kind of lot that when we went to bigger schools, but now that's been reinvented

if you will, in Windham at least by Joyce Valenti, because now the high school students actually go as big brothers and sisters to work with the children in the elementary school.

So, Mr. President, I'm very honored to have with us today, Joyce Valenti, and her -- her children, who are Serena and Genevieve and her husband, John, and with them is Walter LeBaron who is from the state Education Department and which -- who runs the Teacher of the Year program.

But we're particularly pleased to have the Valenti family with us and very honored that you're here, and I would ask you, Mr. President, if you would greet them in behalf of the house.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in favor of voting in favor of the resolution signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is unanimously adopted.

Joyce Valenti, it's my pleasure to welcome you here to the Senate today, you and your husband and your family, and to congratulate you on being selected as the New York State Teacher for the Year.

Senator Cook has said it very well. Certainly Senator Marino, if he were here, would say it again and all of the members of the Senate certainly take great pride in what you and people in your profession do. As you sat here, I know, listened to the debate, I'm sure that you acknowledge that there are many different capabilities and talents of people in this chamber, and that most of that comes from people like yourself who allow us to accede to our capacities.

So we thank you on behalf of all the members here. We certainly thank you for doing such a great job and for taking the time to rise to become the very best.

(Applause).

Senator Present.

SENATOR PRESENT: Would you recognize Senator Mendez.

SENATOR MENDEZ: Thank you.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Mendez.

SENATOR MENDEZ: Thank you, Mr. President. Thank you, Senator Present.

Mr. President, I have a privileged resolution on the desk, and I would appreciated if the title would be read and then for it to be approved.

ACTING PRESIDENT KUHL: There is a privileged resolution at the desk. I will ask the Secretary to read the title.

THE SECRETARY: Legislative Resolution, by Senator Mendez, commending Gloria E. Quinones upon the occasion of her retirement from the Legal Aid Society.

ACTING PRESIDENT KUHL: Question of is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator -- Senator Tully. While we're still on motion and resolutions.

SENATOR TULLY: On page 30, I offer the following amendments to Calendar 1315, Print Number 8146-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted. Bill will retain its place on the Third Reading Calendar.

Senator Padavan, you have a motion?

SENATOR PADAVAN: Mr. President, I offer the following amendments to Calendar Number 1314, Senate Print Number 8102, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted. Bill will retain its place on the Third Reading Calendar.

Senator Wright.

SENATOR WRIGHT: Mr. President, on behalf of Senator Velella, on page number 7, I offer the following amendments to Calendar Number 352, Senate Print Number 6708, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted. Bill will retain its place on the Third Reading Calendar.

SENATOR WRIGHT: Mr. President, on behalf of Senator Seward, on page number 38, I offer the following amendments to Calendar Number 268, Senate Print Number 6741, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted. Bill will retain its place on the Third Reading Calendar.

SENATOR WRIGHT: And on said bill, Mr. President I request that the star be removed.

ACTING PRESIDENT KUHL: Sponsor's star will be removed.

SENATOR WRIGHT: And on behalf of Senator Levy, please remove the sponsor's star on Calendar Number 537.

ACTING PRESIDENT KUHL: Sponsor's star is removed on Calendar 537.

Senator Holland.

SENATOR HOLLAND: Mr. President, on behalf of Senator Holland, on page 4, I offer the following amendments to Calendar 206, Print Number 4797-B and ask that said bill retain its place on third reading.

ACTING PRESIDENT KUHL: Amendments received and adopted. The bill will retain its place on the third Reading Calendar.

Senator Holland.

SENATOR HOLLAND: Mr. President, on behalf of Senator Bruno, on page 3w, I offer the following amendments to Calendar Number 1346, Senate Print Number 8537-A, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar 1346 are received and

adopted, bill will retain its place on the Third Reading Calendar.

The Chair recognizes Senator Johnson for a motion.

SENATOR JOHNSON: Mr. President, on behalf of Senator Kuhl, I'd like to call up his bill, Print Number 3336-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Kuhl, Senate Bill Number 3336-A, an act to amend the Agriculture and Markets Law.

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

ACTING PRESIDENT KUHL: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 57.

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

ACTING PRESIDENT KUHL:

Amendments are received and adopted.

Senator Johnson.

SENATOR JOHNSON: Mr. President, on behalf of Senator Lack, I wish to call up his bill, Print Number 7148-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Lack, Senate Bill Number 7148-A, an act to amend the Estates, Powers and Trusts Law.

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

ACTING PRESIDENT KUHL: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 57.

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

ACTING PRESIDENT KUHL:

Amendments are received and adopted.

Senator Holland.

SENATOR HOLLAND: Mr. President, I wish to call up Senator Spano's bill, Print Number 8590, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Spano, Senate bill 8590, authorizing the city of Yonkers to discontinue as park lands certain lands.

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

ACTING PRESIDENT KUHL: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 57.

SENATOR HOLLAND: I now offer the following amendments.

ACTING PRESIDENT KUHL:

Amendments received and adopted.

Senator Holland.

SENATOR HOLLAND: Mr. President, I wish to call up Senator Skelos' bill, Print Number 6523-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Skelos, Senate Bill 6523-A, an act to amend the Education Law.

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

ACTING PRESIDENT KUHL: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 57.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Holland.

SENATOR HOLLAND: Mr. President, I now wish to call up Senator Maltese's bill, Print Number 7444, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Maltese, Senate Bill Number 7444, an act to amend the Criminal Procedure Law.

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

ACTING PRESIDENT KUHL: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 57.

SENATOR HOLLAND: I now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Present.

SENATOR PRESENT: Return to regular order.

ACTING PRESIDENT KUHL: Secretary will continue to call the controversial calendar beginning with Calendar Number 702.

THE SECRETARY: Calendar Number 702, by Senator Daly, Senate Bill Number 3205-A, an act to amend the Social Services Law.

SENATOR GOLD: Lay it aside temporarily.

SENATOR PRESENT: Lay aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 704, by Senator Holland, Senate Bill Number 4368-A, an act to amend the Social Services Law and the Education Law.

SENATOR GOLD: Explanation.

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

SENATOR HOLLAND: Yes, Mr.

President. This is a modified LearnFare bill. It is the Maryland LearnFare bill. It is a carrot and stick approach as opposed to the Wisconsin bill.

What it does is encourage -

ACTING PRESIDENT KUHL: Senator Holland, excuse me for just a minute. Ladies and gentlemen, we have to have some quiet in this chamber. There are 15 bills left on this active list. There are 50 bills on the remaining active list and, if we're going to allow our colleagues to speak and give them the respect that you all demand, we're going to have to remain quiet. Thank you.

Senator Holland.

SENATOR HOLLAND: Mr. President, what it does is encourage prenatal care to the increase in public assistance benefits for pregnant recipients receiving prenatal care, plus it promotes primary preventive care for children on public assistance, and it promotes improved nutrition and fosters school attendance by reducing the monthly grant by $25 for each

child that does not go to school who is on welfare.

And let me just say a couple comments about what has been said in the first debate. Senator Gold said in some of his comments, and I quote, people out there who are under-educated, and that's exactly what this bill and the Wisconsin bill want to do. We need to put more effort into educating the people out there and getting them off, working their way off of the welfare system.

I think there were similar comments by Senator Leichter, and I am told that Senator Espada said that no one visits his district. I did at his invitation visit his district and we visited two schools in the city, in the Bronx. One of them was called the Adlai Stevenson High School; had, I believe -- and he can correct me if I'm wrong -- 4500 students.

It appeared in our visit, and I think it was somewhat unanticipated by the school, to be a clean school, an organized school. We went to a class for the more

improved student, the better students. We saw a list on the wall of 150 kids who were going to college. So there are kids who are doing very well in that school and we talked to the kids and, unfortunately, there are 60 percent of the people of Rockland County come from the Bronx. These kids echoed the same thing that the people in Rockland County did. We want to get out of the Bronx as soon as we can. Isn't that a terrible thing? That's what's happening to the Bronx. They're leaving as soon as they can be educated; kids are leaving as soon as they can.

But while we were there, the principal of the school found out we were there and asked us to come down to the office, and my question to him was, what is the graduation rate in four years of the students in your school, and he was relatively proud to say the gradua tion rate in Adlai Stevenson High School in four years was 18 to 20 percent.

I think that is terrible. That's disgusting. We're just not doing the right thing, all of us, but particularly the people

from the city of New York. After that visit I wrote to the city school system and asked them for the printout of their graduation rates. The average graduation rate for the high schools in the city of New York in four years is 43.5 percent. That's disgusting. That is disgusting. This is to try to turn that around.

Let me tell you what the graduation rates are upstate. They're 90, 95, 98, 97. We are throwing away generations of young people by not giving them the right kind of education. This bill encourages young people to go to school.

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

SENATOR WALDON: Mr. President, will the Senator yield to a question?

ACTING PRESIDENT KUHL: Senator Holland, do you yield?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator Holland yields.

SENATOR WALDON: Senator, what is the amount of money proportionately received by the City schools versus the amount of money received by the school systems outside of the City, of the total finite amount?

SENATOR HOLLAND: Sir, I don't know. Maybe you know. You can tell us. But I don't think that's the problem totally. That may be part of the problem, but that's not the total problem. The problem is the parent involvement, the problem is the political involvement in the city school system. It is not administered, managed correctly, and it's been proven over years. It's not just the money. It's the way the system is handled.

SENATOR WALDON: Would the Senator be kind enough to yield to perhaps another question?

ACTING PRESIDENT KUHL: Yes, Senator Holland continues to yield.

SENATOR WALDON: Senator, what is the amount of money per welfare family in the City or outside of the City for food?

SENATOR HOLLAND: Well, with food stamps are about 150 and we're not positive on this, Senator, and the total is about 700.

SENATOR WALDON: And if I may continue, Mr. President.

ACTING PRESIDENT KUHL: Senator Holland continues to yield.

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator Holland, you continue to yield?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator Holland continues to yield.

SENATOR WALDON: And that is for what amount of time to purchase food?

SENTOR HOLLAND: Monthly, monthly. Monthly.

SENATOR WALDON: Monthly, and if I may continue, Mr. President.

ACTING PRESIDENT KUHL: Senator Holland continues to yield.

SENATOR WALDON: And what impact do you think the meager budget of $150 per month

for food would be hurt by the reduction of $25 -- is that correct?

SENATOR HOLLAND: Yes, that is correct.

SENATOR WALDON: -- per child from a family's AFDC grant for families who have failed to obtain -- I'm reading the whole thing.

SENATOR HOLLAND: No, it's $25 a month, you're correct.

SENATOR WALDON: Isn't that a bit callous?

SENATOR HOLLAND: But, Senator, isn't it more important that we have the kids go to school? Isn't it more important that they graduate? Is our system working? Has our system worked when you only have 43 percent graduation? The Governor talks about his great City schools. You know what the top graduation rate in the schools he talks about is? It's about 77 percent.

We're not doing it right. I don't know how you can stand there or anybody,

me, anybody and say we're doing it right and we shouldn't try to change it.

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

ACTING PRESIDENT KUHL: Senator Holland, you continue to yield?

SENATOR HOLLAND: Yes.

SENATOR WALDON: First, let me suffer, not to correct you but to make a statement. I didn't say we're doing it right. I did not make that statement. I'm merely asking you questions.

SENATOR HOLLAND: I agree.

SENATOR WALDON: Based upon what you propose for us to consider. It just seems to me, Senator, and I will ask you a question, that taking $25 away from a family which may already be suffering in terms of its ability to survive, not live well, survive -- the last time I went to a restaurant was last night with my wife. We had, because this place has a specialty of split pea soup -- it's on Northern Boulevard and Clearview Expressway -- both of us

had bowls of split pea soup. I had a sardine sandwich with a heavy slice of onion -- you're too far away from me to get the benefit of that -- and she had a salad. $22.50. I had a diet Coke; she had a diet Coke. Two people, one meal, in a diner that's a little sophisticated.

Now, to take that as an example of what it costs to eat and to compare it with $150 per month as a stipend for food and to say that you're going to take $25 away from that family because a child who may be already hungry, who may be already under-clothed, who may not feel good about himself because his stuff is not as good as everyone else's in this egocentric -- egocentric society that we live in, in my opinion, is a bit more punitive.

So now I ask the question. You said we may not be doing it right, but we have to do something. Couldn't you pull this bill and you and I and others of like spirit sit down and try to create a mechanism that will do it better than this which seems to be, in my opinion, overly punitive to those who are least

able to defend themselves?

SENATOR HOLLAND: A number of things come to mind, Senator. First thing is I have to tell you that if they -- if the $25 is taken away from them for a month, if they go back to school and stay in school for 95 percent of the time for the next three months they can get that $25 back and they can earn that $25 back, and that's great because that's what we want them to do. We want them to go to school and that's really what the purpose of the bill is.

If they don't go to school, if young people don't get their GED or their high school education or better, what's going to happen? They're not going to be able to compete in the economy. They're not going to be able to get good jobs. You're not going to get decent industry to come into the Bronx because the labor pool is not there, and to say that we shouldn't do this, well, what have we been doing for 20, 25, 30 years? We haven't solved any problems.

This is an attempt just to get young people to go to school. That's all we're trying to do and it's good for them and it's good for the economy, and it's good for the family.

SENATOR WALDON: Mr. President, may I ask the Senator another question?

ACTING PRESIDENT KUHL: Senator Holland, you continue to yield?

SENATOR HOLLAND: Yes, certainly.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR WALDON: Senator, I've read from time to time books on motivation and the kind of motivation that your bill is an example of is negative motivation. Could we not have some positive motivation in legislation of this nature? By that, I mean could you not in your genius create a bill that would say, if you go to school, or if you do what you're supposed to do, we will improve your condition as opposed to only saying, if you slip on the banana peel of poverty, and fall through the chasm of

despondency that we will continue to push you down, as opposed to lifting you up? Couldn't we do something like that some time somewhere somehow?

SENTOR HOLLAND: Senator, I think that what we've done over the last three generations is negative motivation. We have kept people dependent on welfare. That's negative motivation. That's not solving anything. They don't have any responsibility, any good feeling about themselves. But let me read you about the report from Maryland.

According to a report from the Maryland Initiative released in September of 1993, nearly 90 percent of Maryland AFDC families met the preventive health and tenants requirement of the preventive detention initiative. 95 percent of the families met the requirement after three months. Since the program began there has been at least an increase of 42 percent in the periodic number of screenings and only two percent of the families continued after the sanction is over.

This is a good idea. It keeps people -- it encourage people to go to school and also asks them to come into the health screening, prenatal screening, et cetera.

SENATOR WALDON: Last question if I may, Mr. President.

ACTING PRESIDENT KUHL: Senator Holland, you continue to yield?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator Holland yields.

SENATOR WALDON: Are you from Maryland originally?

SENATOR HOLLAND: Yes. How did you know that?

SENATOR WALDON: You told me, and I don't forget, and you have more than those of us who are in this chamber a personal awareness of Maryland undoubtedly in terms of the people, the geography, the cities, the building structures, the life style, the pace, the openness, do you not?

SENATOR HOLLAND: Well, it's been

at least 30 years since I've been there and it's changed an awful lot but I guess yes, the answer to your question is that's correct.

SENATOR WALDON: In that period of time, if I may, Mr. President, you readily identified with Maryland and could draw meaningful comparisons to New York City, not New York State, New York City. Isn't there a great difference in the social fabric of Maryland as you knew it and New York City as you knew it 30 years ago and as you know it now?

SENATOR HOLLAND: I gets to some of degree, Senator, but also if you look at downtown Baltimore you have very similar situation as you have, if you have been there, you know that, very similar situation as you do in the city of New York, any major city, but Baltimore particularly.

SENATOR WALDON: Last question, if I may.

SENATOR HOLLAND: You said that last time.

SENATOR WALDON: I know, and I

made a mistake. Even Al Waldon makes mistakes, Senator Holland. Believe it or not, Senator Paterson.

ACTING PRESIDENT KUHL: Senator Holland continues to yield.

SENATOR WALDON: Are you absolutely unequivocally opposed to -- this is an unfair question, and I'll admit to that - creating legislation which would positively reward people to extricate themselves from the welfare cycle as opposed to always punishing them for being unfortunately on welfare?

SENATOR HOLLAND: No, but I think this rewards them with a better life and a better future, but this bill doesn't only LearnFare, Senator, but it does give money for prenatal care and family screening, et cetera, so it is a carrot and stick as you suggested.

ACTING PRESIDENT KUHL: Senator Waldon on the bill.

SENATOR WALDON: No, I'm not going to do that. I just wanted to thank you for your indulgence and thank Senator Holland

for his kind explanation of this bill.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Espada.

SENATOR ESPADA: Thank you, Mr. President.

Would the sponsor yield to a couple of questions?

ACTING PRESIDENT KUHL: Senator Holland, would you yield for a couple questions from Senator Espada?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR ESPADA: First let me take this occasion on the record to say that I really, truly appreciated Senator Holland coming down to my district; we had a great time. I was a gracious host; I paid for the hamburgers.

SENATOR HOLLAND: That's true.

SENATOR ESPADA: And it definitely was a learning experience for both of us, but we certainly got very different messages out of

this thing, but a little bit about that later.

For now, I have a copy of a report here to the legislature on the attendance improvement and drop-out prevention program. And it is one of, you know, our state's efforts to deal with the attendance problem and improve the outcomes, the poor outcomes that you mentioned, and that -- that particular -- this particular program has 67 percent of the affected school districts, both upstate and downstate, think it's a great idea, and it features counseling, home visits, attendance, outreach, parenting workshops, staff development at the school where paraprofessionals and teachers and others are involved and engaged in resolving this problem, coordinating with other community facilities and dealing with transition periods with the -- the population in question, chiefly the adolescent, the late adolescent stage. It seems to be working, this approach, and my question to you is why go to this approach, this what I will refer to as the LearnFare approach, the more punitive approach when we have AFDC children on

average attending school 169 days out of the year and non-AFDC children attending school 172 days out of the year, a difference of four days per annum? So the question is, what -- why are we doing this, if we have an approach that deals with the features that I mentioned - counselling, home visits, et cetera, and now we're seeking to be punitive because of the four-day differential on average?

SENATOR HOLLAND: Just briefly, give me your question once again, Senator.

SENATOR ESPADA: I'm sorry. I couldn't hear you.

SENATOR HOLLAND: Could you briefly just give me your question once again.

SENATOR ESPADA: Yes, the question has to do with the reports on the attendance improvement, drop-outs and -- the attendance improvement, outreach, staff development, et cetera, at the schools to deal with this problem population that we all want to do good things for, and it seems to be working in that 67 percent of the school districts upstate and

downstate think this is a great idea.

So my question is, given the fact that there's only a four-day differential on average between AFDC children and non-AFDC children, why leap to this kind of approach when we have an approach that seems to be working and is approved by those that we serve?

SENATOR HOLLAND: Senator, I don't have any problem with this program going on. I do have a problem with a lot of programs that this state, the federal government and other governments have done just throwing money at new programs that don't solve any problems, and I don't really think they have solved a great deal of problems in the city of New York when the average graduation rate is 43.5 percent and some of the schools are 3.7 percent in four years, and that's true of the second school we went to. So I don't have a problem with that.

This one I want to try. It's apparently doing -- being successful in Wiscon sin and Maryland. I would like to encourage young people to go to school. I don't want to

take the money away from the families, but I do think it's important that they get a high school education or a GED. If you have a better system that can show me improvement, I mean major improvement, some improvement, actual improvement, then I -- I'll do that too, but I don't see why we can't do both of them together.

SENATOR ESPADA: Mr. President, if I may pursue this.

SENATOR KUHL: Senator Holland continues to yield? He yields.

SENATOR ESPADA: Yes, just to stay with LearnFare in Wisconsin, there is an analysis that went on there at the University of Wisconsin, Professor Lois -- Lois Quinn found it that LearnFare there had no positive impact, in fact 28 percent of the sanctioned youngsters - I just want to get this correct, only 28 percent of the sanctioned youngsters went back to school within a two-month period, so it seems that rather than driving them back into the school system, it kind of permanently kept them out of

the school system without any assistance in the family budget in terms of publicly assisted aid, and God only knows how they came to terms with that out in the streets of Wisconsin.

I don't know how you find solace and justification in Wisconsin, when objective observers have indicated it was an abysmal failure; that, in fact, it worked against the interests of families and children.

SENATOR HOLLAND: Well, there seems to be some disagreement on that, Senator. I have a report here from the state of Wisconsin, Governor Thompson's office, and they disagree a great deal with the findings of that report.

SENATOR ESPADA: Well, Mr. President, if we could continue.

ACTING PRESIDENT KUHL: Senator Holland, you continue to yield? Senator continues to yield.

SENATOR ESPADA: Yeah, I mean this is a governor's program, so I'm talking about an objective study that was carried out by

a renowned person at the University of Wisconsin.

SENATOR HOLLAND: So any governor's program you disagree with?

SENATOR ESPADA: By the way, I wanted to add -- I didn't hear that, sir.

SENATOR HOLLAND: Never mind.

SENATOR ESPADA: Well, by -- if I may just embellish this reference to Quinn.

ACTING PRESIDENT KUHL: Are you -- Senator, are you asking Senator Holland to continue to yield?

SENATOR ESPADA: Yes, I am, sir.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR ESPADA: Just to continue with the Wisconsin experiment because I think it serves as, I guess as a justification in your eyes for the program here in New York State and Quinn finds that welfare recipients higher - had a higher attendance rate without LearnFare in Wisconsin. Since the introduction of LearnFare, the results are somewhat destructive

in nature. So this intervention seems to hurt. It was not the Governor's office; I was incorrect. It was a report from the legislative branch of the government and also the Department of Health and Human Services criticized this report for not meeting that requirement. So even the federal government criticizes that report for not complying with state and federal requirements. So it is the federal government who disagrees with that report, plus the legislature of the state of Wisconsin.

I agree with you to some degree, Senator. It's very difficult for me to believe reports from your side or reports from our side. It's dependent on how the question is asked, but I think it's worth a try to improve education.

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

ACTING PRESIDENT KUHL: Senator Holland, you continue to yield?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator

continues to yield.

SENATOR ESPADA: Thank you very much, Senator Holland.

On some of the other provisions of your bill, there is this reference here to a sanction, or parents that don't follow through on the WIC referral. Do you -- let me just share that in the Bronx and in the district that you visited, in the Bronx in total first, there are about nine zip codes that do not have a WIC center. In my district, there are about six of those nine, six are in my district.

In one WIC center. That not-for profit corporation that I founded which provides WIC services, we serviced thousands of people, a case load of thousands with hundreds on the waiting list. Part of this would provide a sanction to those people that are waiting for service. How do we accommodate those that want the service and don't have access to the service in your bill?

SENATOR HOLLAND: The bill only says, I believe, Senator, that they have to

complete the screening, not that they have to be on WICs. Let's see if I can find it for you here. *** who is more than six months pregnant and with children less than five years of age who does not complete screening for the USDA special supplemental food program for WICs.

This is what we're asking for, just the screening.

SENATOR ESPADA: Mr. President, if the Senator would continue to share.

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR ESPADA: We have people on waiting lists that can not complete -- that have no access, that have no center that is accessible and available to them and their children. Would -- would they be subject to sanction if they can't get in or get to a WIC center?

SENATOR HOLLAND: No, absolutely not. It's a priority system, you understand that, and the pregnant women get priority. It's

a priority system and the pregnant women get priority over women with older children.

SENATOR ESPADA: Yes, but there are many pregnant priority on the waiting list.

SENATOR HOLLAND: We're not going to sanction -- we're not going to sanction anybody, Senator, who can't get to the system who can't enter the system, because it's too full. If they can't do the screening, I don't think that's going to be a problem and, if they can't do it, we're not going to sanction. We're here in this bill, we're trying to turn it around, that's what we're trying to do.

SENATOR ESPADA: O.K. If I may, Mr. President.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR ESPADA: I don't have, Mr. President, the people around me to counsel me as to whether this is true.

SENATOR HOLLAND: Want some of mine?

SENATOR ESPADA: So we'll just

continue. I would never accuse you of lying.

With respect to another provision that deals with the -- I'll call it a payback provision, that after a certain amount of time, after three months of being back in school.

SENATOR HOLLAND: Yep.

SENATOR ESPADA: There's a repayment but there still is this gap there of three months where this youngster is to get his or her act together and go back to school and stay in school.

Other than the sanction, what provisions -- what positive -- what about a helping hand there to assist in that transition for that youngster? I -- in the broad reading of this, a quick reading of this, I can find that assistance.

SENATOR HOLLAND: I have -- I don't know whether I follow your question totally. We really have accomplished what we set out to do if that individual comes back to school and stays there for three months and does 95 percent attendance. That's what we want to

do and, if they're not doing the best work of any student in school, by osmosis they're going to learn something, and that's the aim of the bill.

SENATOR ESPADA: But, Mr. President, my question is what are you doing during that three-month period to help that youngster get back in school if it seems that all we're doing is sanctioning them $25 per month per child?

SENATOR HOLLAND: We are sanctioning them and getting them to go back to school. That's what we're going to do, but there are also the programs that you talked about, the A.I.D. Program. That program is also available.

SENATOR ESPADA: But would the Senator -

ACTING PRESIDENT KUHL: Senator Holland, you continue to yield?

SENATOR HOLLAND: Yes, I do, absolutely.

SENATOR ESPADA: With respect to

your bill.

SENATOR HOLLAND: Well, they can go to any other program.

SENATOR ESPADA: We do not include the kind of home visits and outreach and educational preparation that we discussed earlier.

SENATOR HOLLAND: Correct.

SENATOR ESPADA: That's not part of this three-month period.

SENATOR HOLLAND: Correct, but if it's on the books and it's still available they can still do that. This doesn't preclude them from going to any other programs, those programs that you mentioned, et cetera, during, before or after that period that they go back to school.

SENATOR ESPADA: Thank you, Mr. President and Senator Holland.

ACTING PRESIDENT KUHL: Chair recognizes Senator Leichter.

SENATOR LEICHTER: Yeah, would Senator Holland yield, please?

ACTING PRESIDENT KUHL: Senator

Holland, you yield to Senator Leichter? Senator Holland yields.

SENATOR LEICHTER: Yes. On page 3 of your bill, that's section 3, you make a change as regards the provision of certain services for pregnant women. You changed that from the fourth to the sixth month, is that correct?

SENATOR HOLLAND: Question is why did we change -- make that change?

SENATOR LEICHTER: That was going to be my next question, yes.

SENATOR HOLLAND: Yes. Just to make the cost of the program more reasonable, more feasible, make the cost of the program more reasonable.

SENATOR LEICHTER: So, Senator, women who are pregnant in their fourth month and their fifth month would no longer be eligible for this program, is that correct?

SENATOR HOLLAND: That's correct.

SENATOR LEICHTER: Senator, thank

you.

SENATOR HOLLAND: You know, of course, they can go to an emergency room and be taken care of if they have an emergency.

SENATOR LEICHTER: They could go to an emergency room.

SENATOR HOLLAND: Yes, so they're not uncovered, they can -

ACTING PRESIDENT KUHL: Senator Leichter, you asking Senator Holland to yield?

SENATOR LEICHTER: Yes:

ACTING PRESIDENT KUHL: Senator Holland, do you yield?

SENATOR HOLLAND: Yes.

SENATOR LEICHTER: So if they have a real problem, Senator, they can go to an emergency room, not -- that, of course, is under existing law. It has nothing to do with this bill.

SENATOR HOLLAND: Correct.

SENATOR LEICHTER: But what this bill does, as far as the regular rendering of prenatal services, you are now eliminating women

who are in their fourth and fifth month of pregnancy, is that correct?

SENATOR HOLLAND: Yes, and that's -

SENATOR LEICHTER: And that's a cost saving measure?

SENATOR HOLLAND: Yes, that's true.

SENATOR LEICHTER: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter, on the bill.

SENATOR LEICHTER: Yes. I think we now see the true color of this bill. You know, Senator Holland gets up and he says, I want to help children and I want to help women, and so on, so what does he do? He cuts one of the most valuable programs that we have providing prenatal care, and I'm appalled, and I think this really shows much as Senator Daly's speech showed what really motivates this.

It's punitive. It's punitive, pure and simple punitive. I thought that both

Senator Waldon and Senator Espada made very valid points about how you're going to keep children in school, and I think for that reason alone this bill ought to be defeated.

But there's the other component of it, and that's the medical component, and that, too, is punitive, and we have every interested as a society to bring these people in and you're not going to -- and it's particularly those who are most vulnerable, who are most - who lead a most fragile life, and it's particularly pregnant women and the most important thing is to see they get good prenatal care.

So, one, this program really discourages that population because the punitive approach doesn't work and, secondly, it cuts the benefits.

Let me just finally call to the attention, my colleagues, what I thought was a very succinct and very telling memorandum in opposition by the New York State Bar Association Committee on Social Services. I thought the

memorandum in opposition was so good that I'd like to make it part of the record and I'm going to read part of it.

(Reading) This bill purports to establish a child and family development program which encourages recipients to reach the long term goals of reduced health care costs through the receipt of primary preventive care.

Then skipping, certainly, this bill would not accomplish any of its stated objectives. The bill is premised on a series of incorrect assumptions that prenatal health care and primary health care services are readily available to all public assistance recipients and that recipients choose not to obtain adequate medical care, that poor school attendance is within the control of the individuals and families and not due to factors such as malnutrition, illness and homelessness.

None of these assumptions is correct. The bill imposes penalties on women, children and families who do not obtain services which are unobtainable due to the lack of

available services for indigent people. The state must ensure that health services are available for all poor women, children and families before creating penalties for poor people who do not receive health care.

That's the end of the memorandum and I'm putting it in the record.

Let me just say, Senator Holland, it's not enough to say people can go to emergency rooms.

SENATOR HOLLAND: Can I ask you a question, Senator? Did I understand you correctly to say that that report from the bar association said poor school attendance is not within the control of the individual or the family? Did I understand that correctly?

SENATOR LEICHTER: Senator, the report states that factors such as malnutrition, illness and homelessness are very significant factors.

SENATOR HOLLAND: But I didn't ask you that. I said, did you say or does that report say that poor school attendance is not

within the control of the individual or the family?

SENATOR LEICHTER: It says that your assumptions, sir, are incorrect to the extent that you premised this bill on the factor that all of these are within the control of the people who you're trying to influence in this punitive way and that -- and now I quote, and this is what I think you're referring to, "and not due to factors such as malnutrition, illness and homelessness."

SENATOR HOLLAND: I must have misunderstood you because I thought you said that poor school attendance is not within the control of the individual or the family and I - my -- I just find that very difficult to believe. We've been taught differently for my entire life, that it's the responsibility of the individual to go to school and do the best that he or she can and that the family is to aid in that as much as they possibly can and that's what makes -- one of the good reasons that makes good school attendance if the family does that

notwithstanding that there are other problems, whether they're in the city of New York or in Herkimer County.

SENATOR LEICHTER: Mr. President,, answering Senator Holland.

SENATOR HOLLAND: Yes.

SENATOR LEICHTER: First of all, I would have hoped you had read this because I think it's a very good memorandum by a very respectable organization, the New York State Bar Association, it's Committee on Social Services and I'm going to make it available to you, and I'm surprised that you don't have it.

But what it said is that insofar as your bill is premised solely -- this is the interpretation I'm giving you to what was stated in this memorandum, that insofar as your bill believes that you can affect anybody's behavior solely by taking $25 from them and that you fail to consider such factors as malnutrition, illness and homelessness, your bill is -- the assumptions upon which your bill are premised are incorrect.

I believe that this report is - is right. I think it sees through your bill and I think that, Senator, in part I think some of the problems with your bill and with your approach is that it really looks at a society, it looks at an environment, it looks at conditions which are far different in those areas where you're trying to deal with a problem and there's certainly the problem exists in the city of New York. It exists in Senator Espada's district, yes. He represents a poor district, and I think he understands what the problems of that community are and what needs to be done, Senator.

Very frankly, I think coming from the community that you do and with your outlook, you do not. You do not.

SENATOR HOLLAND: Let me try to answer your points.

ACTING PRESIDENT KUHL: Senator Leichter has the floor, Senator Holland.

SENATOR LEICHTER: I'll yield.

ACTING PRESIDENT KUHL: He will

yield.

SENATOR HOLLAND: As far as the malnutrition goes, this Legislature has passed a school lunch program for all the schools and last year this house passed a school breakfast program and this year we are working on a homeless -- expansion of the homeless education bill. We are -- we are concerned about these people and those ideas. You know, if they -- if young people don't get fed at home, they can go to school and get breakfast and lunch and, hopefully, learn something and get their degree at the same time.

SENATOR LEICHTER: Senator, let me -- let me just say to you, I've no question that personally you are concerned about your neighbors, you're concerned about the people living in your society, but I think when you bring it down to the specific problems that we face now, that concern, Senator, is often, I must say misplaced.

It doesn't understand the conditions that exist and it looks so much

solely at current costs that it fails to appreciate and understand what needs to be done to truly help people and truly reduce costs.

Senator, even if we accept that everything else in your bill, for you to put forth a bill in this day and age where every one, everyone, even the Conservatives agree that prenatal care is the most important thing that we can do to help people be healthy, to avoid the enormous costs that we incur when children are born with low birth weight and all of the social problems that that will inevitably cause and that, therefore, we need to put money into prenatal care, and your bill reduces that. You say you are no longer eligible the fourth and fifth months.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Stavisky.

SENATOR STAVISKY: Mr. President, I just want to assure you that anything that you would do to encourage young people to stay in school that would be reasonable, I would rise on the floor and support those efforts, and to that

extent we agree.

School attendance, school achievement, the completion of an academic or vocational program at any level enhances that young person's ability to make it in our society and, to that extent, your goals are commendable.

But I have a couple of questions and I would ask if the sponsor would yield.

ACTING PRESIDENT KUHL: Senator Holland, do you yield to Senator Stavisky?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator Holland yields.

SENATOR STAVISKY: Senator Holland, let me ask you at what percentage of attendance or the failure to achieve that percentage of attendance is there a penalty for children who fall below that percentage of daily attendance; what is the percentage in your bill?

SENATOR HOLLAND: It's 80 percent. 80 percent.

SENATOR STAVISKY: 80 percent. Fine. That's the way I read it.

Now, Senator Holland, would you yield for another question?

ACTING PRESIDENT KUHL: Senator Holland continues to yield.

SENATOR STAVISKY: At what point in attendance do you propose to restore the money that was taken away? What would have to be achieved by the child for the money that was lost to be restored?

SENATOR HOLLAND: If they meet 95 percent attendance for the next three months.

SENATOR STAVISKY: 95 percent. Senator Holland, do see a discrepancy in what you're doing?

SENATOR HOLLAND: Senator, I don't. The point of the legislation is to get young people to go to school.

SENATOR STAVISKY: Senator Holland, I asked you, do you see a discrep ancy -

SENATOR HOLLAND: No. I answered

that.

SENATOR STAVISKY: -- that you're using? You see no discrepancy.

Thank you. I have no further questions for Senator Holland.

I would like to take the floor.

ACTING PRESIDENT KUHL: Senator Stavisky, on the bill.

SENATOR STAVISKY: Senator Holland, Count Dracula was probably the bill drafter and the sooner you get rid of Count Dracula as your bill drafter, the better off you'll be.

You are saying that if this child is absent from school more than 20 percent of the time, the child does not achieve an 80 percent attendance rate. Therefore, you're proposing to take away some of the money that is given. That, I can understand and perhaps follow, but then to restore the money, you're asking that child who has not achieved an 80 percent attendance rate now to rise to a 95 percent attendance rate.

Senator Holland, would you propose having the standard of 95 percent attendance to be followed before your school districts or other school districts in the state get their state aid? It's unconscionable to have that discrepancy between an 80 percent standard and then suddenly to require 90 percent -- 95 percent attendance for three consecutive months. This is crazy. This is an improper standard to impose. If your bill had said, "If you fall below 80 percent, we'll penalize you, and if you return to an 80 percent attendance, we will restore the money," then we would have something to discuss.

ACTING PRESIDENT KUHL: Senator Holland -- excuse me, Senator Stavisky.

Senator Holland, why do you rise?

SENATOR HOLLAND: I wondered if the Senator would yield to a question?

SENATOR STAVISKY: I will yield.

ACTING PRESIDENT KUHL: Senator Stavisky yields.

SENATOR HOLLAND: Do you know what the requirement is for other school districts for attendance?

SENATOR STAVISKY: Do I know what?

SENATOR HOLLAND: What the requirement is for other upstate school districts for attendance?

SENATOR STAVISKY: They do not lose state aid when their children fall below a standard. They are paid on the basis of daily attendance.

SENATOR HOLLAND: And if they don't get their 100 percent, 90 percent, they are punished. Maybe it's not the $25, and what they get when they go to school, Senator, is an education and a diploma.

SENATOR STAVISKY: We're not arguing that.

SENATOR HOLLAND: So they can compete. That's what we're trying to do.

SENATOR STAVISKY: We're not arguing that point. We're only arguing the

difference between your 80 percent standard with a cancellation of some of the financial benefits and your insistence on 95 percent attendance for three consecutive months. That makes no sense. Somebody who wrote one section of the bill didn't read the other section of the bill or else can't read at all, and I maintain that 95 percent attendance by those kids who may have had family illness, personal illness, home lessness, disruption, movement from one school area to another cannot be made an artificial standard to remove the draconian penalty that you imposed. It is draconian.

I know you not to be draconian in your attitude toward social service issues or educational issues, and I ask you to reconsider this.

ACTING PRESIDENT KUHL: Excuse me, Senator Stavisky.

Senator Holland, why do you rise?

SENATOR HOLLAND: Okay. If we change it to 80 percent, would you support the

bill?

SENATOR STAVISKY: I might.

SENATOR HOLLAND: No, no, no.

SENATOR STAVISKY: If you take a look -

SENATOR HOLLAND: The question is yes or no?

SENATOR STAVISKY: Yes. If you take a look at those who voted in opposition in 1992, you will not find Leonard Stavisky's name on it because I sought to have encouragement of educational attendance, and I would urge -- I would urge you, at least as a minimal response, to change that to 80 percent and not insist on a 95 percent attendance record -

SENATOR HOLLAND: This was not voted on last year, Senator.

SENATOR STAVISKY: -- for three consecutive months.

I would support the legislation if it did not have that discrepancy because I join you on wanting children to attend class.

SENATOR HOLLAND: Well, let me

tell you something.

ACTING PRESIDENT KUHL: Senator Holland -- Senator Holland, please, so we can maintain some control, some decorum in the chamber, would you address your questions through the Chair.

Are you asking Senator Stavisky to yield?

SENATOR HOLLAND: I would just like to respond to his -

ACTING PRESIDENT KUHL: You have the opportunity to respond to his -- Senator, you're asking him to yield to a question?

SENATOR STAVISKY: You're asking me to yield?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator Stavisky yields, Senator Holland.

SENATOR HOLLAND: If the bill is not -- if the bill is successful in this house but not in the Assembly or the Governor this year, I will certainly take a look at changing it to 80 percent next year.

SENATOR STAVISKY: That's very fair, and I thank you very much for your willingness to look anew at that issue. That's the main reason I rose because I join you in wanting to see proper attendance in school, and there are things that happen; a child becomes ill.

I don't think the bill differentiates between an excused absence for illness because there really is no excused absence, or an absence may be caused by the relocation of a family from one community to another, and those are considerations that should be included and yes, I think some of the comments by Senator -- such as Senator Espada and others, that you should have a positive out-reach program to assist these kids to come back to the school. I think that would be very, very valuable in terms of an addition to this legislation.

You might find with such addi tions, if we're dealing only with the school attendance provisions, you would find that a

bill dealing with that aspect would have sub stantial support on this side of the aisle, and I would be very happy to join you in seeking that kind of solution.

Thank you very much.

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

Senator Montgomery.

SENATOR MONTGOMERY: Yes. Thank you, Mr. President.

Would Senator Holland yield for a question?

ACTING PRESIDENT KUHL: Senator Holland, do you yield to Senator Montgomery? Senator Holland yields.

SENATOR MONTGOMERY: Yes. Senator Holland, I was just wondering what in the bill -- I guess this is a similar issue to what was raised by Senator Stavisky. Is there anything in the bill which protects a family that, for instance, is a victim of -- either the mother may be a victim of domestic violence -

SENATOR HOLLAND: I'm sorry.

SENATOR MONTGOMERY: -- and moves from one domestic violence shelter to another several times in one school year and, thereby, forcing the children to be -- to be transferred from one school to the next, and -

SENATOR HOLLAND: Senator, we would have to ask for a waiver from the federal government, and all of these items that you suggested, some the other Senators suggested, would be negotiated in the waiver.

SENATOR MONTGOMERY: So this requires a waiver -

SENATOR HOLLAND: Yes.

SENATOR MONTGOMERY: -- from the federal guidelines.

SENATOR HOLLAND: Yes, that's true.

SENATOR MONTGOMERY: I see.

SENATOR HOLLAND: I don't expect that we want children to stay where they have a problem with their families.

SENATOR MONTGOMERY: All right.

Senator, does the $25 reduction -- would you continue to yield?

Mr. President.

ACTING PRESIDENT KUHL: Senator Holland continues to yield, Senator Montgomery.

SENATOR MONTGOMERY: Okay. Senator Holland, does -- the $25 reduction, is that for per family or for per family member? I get a different reading from the -

SENATOR HOLLAND: Per child.

SENATOR MONTGOMERY: That is per child?

SENATOR HOLLAND: Yes.

SENATOR MONTGOMERY: So, assuming that the family has three children, that's $75, so it's not a simple $25 reduction in the welfare grant.

SENATOR HOLLAND: Right. Yes, that could be, but it's per child, who is not attending 80 percent of their schooling. What we're trying to do again is get the young people to go to school.

SENATOR MONTGOMERY: I see.

And -

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

SENATOR MONTGOMERY: Would Senator Holland continue to yield?

ACTING PRESIDENT KUHL: Senator Holland yields.

SENATOR MONTGOMERY: Senator Holland, on the issue of the requirement to receive the health screening, what protects families who don't have immediate access to primary care facilities, such as in parts of my district where we don't have primary care facilities?

SENATOR HOLLAND: Senator, that would also be worked out in the waiver and, again, I would have to say, we are not trying to say to some young mother that "If we don't supply what you need, we're going to take your $25 away." That certainly would be worked out in the waiver, I believe, that if the service is not available, we're not taking your money away from you.

SENATOR MONTGOMERY: All right. If you would continue to yield. Mr. President?

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

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR MONTGOMERY: Thank you.

Senator Holland, is there any indication that the federal government might provide a waiver to our state for this particular -- have you had discussions already? Is this sort of in the hopper?

SENATOR HOLLAND: No, no, Senator. We wouldn't do that until we got approval from this house, the other house and the Governor, but it's happened already in Maryland. They've given a waiver already in Maryland, and this president says he wants to make waivers much easier to do because he wants to help the welfare system move forward.

SENATOR MONTGOMERY: All right.

My last question to you.

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

The Senator yields.

SENATOR MONTGOMERY: Have you an estimate on the amount of money that you're looking to save with this bill? Is there -

SENATOR HOLLAND: I'm told it should be cost neutral.

SENATOR MONTGOMERY: It should be cost neutral, so this is not really a money saving -

SENATOR HOLLAND: No, it's to improve management, improve the delivery of services and encourage young people to go to school.

SENATOR MONTGOMERY: All right. Thank you, Mr. President.

May I just briefly speak on the -

ACTING PRESIDENT KUHL: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: -- on the legislation?

I am concerned that, again - once again, Senator Holland has come to the floor with legislation that is intended to - according to him, to help people, but from every indication, even in states where they have such legislation which was also passed, I would assume to help people, it has, in fact, hurt people, and it has hurt the most at risk, the most vulnerable people among us, and those are primarily women and their children and, obviously, we don't want to do that. Certainly, I hope that we don't want to and don't intend to do that, Senator Holland, but I certainly must rise to say to you that I'm afraid that that's what will happen if we pass this legislation and if we are successful in getting a waiver which would allow us to do it. I think we're going to end up hurting people that we don't want to hurt, so I want to warn you that that's what I think will happen.

And, two, it's a very sad state, I think, for us to be, as legislators, in one of the -- though we've had many economic slump bad

experiences in our state, we're a fairly well off state, and here we are picking on mothers and children, and I just think that is outrageous. We don't have to do this. There is no reason for us to take money from a woman because she can't, for whatever reason -- and there probably are a thousand reasons that we can run through right now why a woman can't get to a certain place at a certain time to get a health screening for her baby or for her five year-old or her three-year-old, and so we're going to stand up here and say, "Let's force this woman to take care of her children by taking her money, the little money that she gets to support her -- her children," and so I just -- that's -- that is my -- my political/ philosophical position on it.

And my warning, again, is that while we say we intend to help people and we call this -- what do we call this, a family development program. This is a family destruction program, and we should call it what it is and what it will mean to families in our

state.

So, Senator Holland, I'm very saddened by this because I think there are - you are -- your intentions are absolutely good, but I -- I just am very sad and sorry that we always pick on the least of us rather than -- I have piles of press releases from the special prosecutor, where he has been really going out there and recouping funds in very large numbers, by the millions. Those are the people who are really able to save money. We need to be doing much more than that and not picking on the little person who is just essentially a survivor at a very difficult time in a very difficult world, and the survivor with children at risk.

So, Senator Holland, I think this is the wrong way to go, and I'll vote against this bill.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Espada.

SENATOR ESPADA: Mr. President, would the sponsor yield to one last question?

ACTING PRESIDENT KUHL: Senator Holland, do you yield to one last question?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR ESPADA: There was just an issue that was left open. Your answer to my question, as to whether or not recipients would be sanctioned if afforded the inavailability of services, say they wanted to access a service, WIC or prenatal and there was a waiting list. What have you -- your answer was there was language in the bill that protected against that, and I'm advised -- and I reference Section 131, subdivision 13, paragraph (d) where it's clear that people may, in fact, be penalized for not following through on the completion of a referral, and should that be anywhere near the truth, I would ask that you -

SENATOR HOLLAND: Senator, again, this would have to be negotiated in the waiver.

SENATOR ESPADA: I'm sorry?

SENATOR HOLLAND: Again, this

would have to be negotiated in the waiver from the federal government, and I think what -- how I answered the question was, we had no intention of taking anything away, the same question I answered to Senator Montgomery. I'm sure that the waiver would not allow -- the federal government would not allow, we wouldn't want to take away services for people if they're not available.

SENATOR ESPADA: If I may, Mr. President?

ACTING PRESIDENT KUHL: As to one more last question -- Senator Holland, do you yield to one more last question?

SENATOR ESPADA: Subpart (b) to my one question.

SENATOR HOLLAND: Yes.

SENATOR ESPADA: Would you amend this bill, sir, to make absolutely sure that women and children are not penalized for the inavailability of the service that would otherwise be -

SENATOR HOLLAND: I would be glad

to do that -- if it's not successful this year, I'll be glad to do that next year. Hopefully, it will be successful this year. You will support it next year if I do that?

SENATOR ESPADA: Thank you.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Mendez.

SENATOR MENDEZ: Mr. President, will Senator Holland yield for a question?

ACTING PRESIDENT KUHL: Senator Holland, do you yield to Senator Mendez?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator Holland yields.

SENATOR MENDEZ: Thank you.

You know, Senator Holland, oftentimes we hear the expression that the road to hell is paved with good intentions. I say that in reference to one of the quotes of your bill, which is that a family would be penalized by $25 a month if the woman fails to obtain health care screening services.

Now, we do have a big Department

of Health in the state of New York, and that Department of Health is supposed to perform all sorts of educational activities and outreach into the communities so that residents of the state of New York get to know which programs are available to them in case that they suffer from AIDS or in cases that they want to know about immunization services for their children, and what have you, so that by penalizing -- wouldn't you say that by penalizing a woman who fails to go through this screening process, we are exonerating them? Those are our agencies that are supposed to get the news to the neighbor hoods, so that the programs that we design in this very Legislature are available to them. Do you see it that way?

SENATOR HOLLAND: Senator, it's simply a screening process, and I'm sure that the language in the waiver or the language that is finally agreed upon would give the individual time to go to the screening. We're not going to say to that young lady, "Either you're there tomorrow or you're going to lose your $25." We

may give her two or three months to do that. Just go to the screening. If the service is not available, that's a different story. All we're asking is some -- some primary care, so she has to go to the screening.

SENATOR MENDEZ: You know, Senator Holland, if by the same way penalizing a woman who does not apply to be a part of the WIC program, again exonerates that state agency and its employees that are not reaching out into the communities to make certain that these women who need the services or for who these programs have been instituted at the state level could benefit.

SENATOR HOLLAND: If we don't notify the individual first, Senator, we're not going to take the $25 away from them. They're going to have to know about it with enough time to get to the screening before we take the money away from them. If they're just in the communities and had not been notified, we are not going to take the money away from them. They have to be notified first. That's without

question.

SENATOR MENDEZ: You know, Mr. President, we're living in a time where everybody accepts the saying that information is power. In many of our neighborhoods, people remain powerless because the institutions that are supposed to provide the information so that the people who need the services could benefit from them, they never get the information, or it is -- it is done in a way, I should say, rather callously.

Will the Senator yield for a another question?

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

The Senator yields.

SENATOR MENDEZ: Now, with the issue of preventive -- with the issue of -- of sanctions as it relates to learning, are you - are you familiar with the program in Wisconsin called LearnFare?

SENATOR HOLLAND: I don't call it a problem, but I'm familiar with the LearnFare

program in the state of Wisconsin, yes.

SENATOR MENDEZ: Yes, you are, very much so, and also with the program that is called LEAP in Ohio?

SENATOR HOLLAND: M-m h-m-m.

SENATOR MENDEZ: Both programs, Mr. President, deal with the provision of sanctions, but they were applied mainly to teenagers. When the Milwaukee -- the Urban Research Center of the University of Milwaukee compared the attendance -- the school attendance of children with parents receiving Aid to Dependent Children versus the attendance of children that did not receive public assistance, and they concluded that the resources spent on education -- that resources spent on education are more effective, more conducive to learning than resources spent on monetary -- if we accept that conclusion from these researchers as being a valid one, then wouldn't you say that maybe we should change our orientation in helping to foment independence from public assistance from these individuals that are presently receiving

it, because sanctions, as has been proven, does not work as much as a more positive -

SENATOR HOLLAND: Senator, I will listen to any specific program that you have or that any member has on that side or this side. However, I have to go back, when anybody asks me that kind of question, to the graduation rate in the city of New York. I think it's outrageous that we have sat here and our predecessors have sat here and allowed young peoples' lives to be wasted, basically, in the city of New York because they don't have an education, and I will try anything to do that, and I am going to try this one now, and I'm going to bring up the Wisconsin program later on and if either one of those passes the Assembly, we'll try that one, but I'd suggest that all of us get copies of the graduation -- four-year graduation rates from the city of New York and you will see four-year high schools that have graduation rates of 2.7, 3.8, 11.0, 18 percent, and the average -- and the big schools, 77 percent, and the average is 43 percent, 43 1/2. If we don't do something

about that -- terrible for us.

SENATOR MENDEZ: Senator Saland, I think that you are very sincere in your desire to change the situation for many of these children and you're frustrated about it, and I understand it because I come from the city of New York and, in my mind, when looking at those statistics for the three percent of young people graduating high school, that means that the school system in New York City is failing all children, whether they are white, Puerto Rican, Hispanics, African-American, or whatever they are. That whole system is failing our kids.

So that I understand very, very well your frustration, especially when we know and those who are teachers know very well that in any classroom, there is that mathematical model that is called the normal curve that specifically states that at the end of that curve, that there will be some children that will learn -- that will not learn regardless of what the teacher does. It's a very small percentage.

Then, at the other extreme, there's another percentage of children that will learn irrespective of what a teacher does in the classroom and then, in the middle, there are the majority of the children that will learn in relation to the activities that are conducted in the -- in the classroom situation, and some of our kids definitely are going to school where they don't have textbooks, where they don't have materials to -- the teachers have the materials to do -- to proceed with the learning.

So, I understand very, very well the frustration that you feel and will gladly cooperate with you at some other time in discussing ideas that might work. In the meantime, I really -- Mr. President, Senator Saland, I really believe that this bill penalizes people and does not, in fact, resolve the problem. That is why I intend to vote in the negative.

Thank you, Mr. President. Thank you.

ACTING PRESIDENT KUHL: Seeing no

other Senators who wish to speak on the bill, there is a local fiscal impact note at the desk. I'll ask the Secretary to read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

SENATOR GOLD: Slow roll call.

ACTING PRESIDENT KUHL: Call the roll. A slow roll call request has been made. Are there five Senators willing to stand? There are. The Secretary will call the roll slowly.

SENATOR GOLD: You don't have to do that.

THE SECRETARY: Senator Babbush.

(There was no response.)

THE SECRETARY: Senator Bruno. Senator Bruno?

SENATOR BRUNO: Yes.

THE SECRETARY: Senator Connor.

(There was no response.)

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.

ACTING PRESIDENT KUHL: Senator Espada, to explain his vote.

SENATOR ESPADA: Thank you, Mr. President.

Once more, we are taking a failed system -- the first leg of this was the failed welfare system, now a key -- key component of our society, the failed school system in part here with the provisions dealing with the punitive sanctions for non-attendance, and we're blaming the victim once again.

When Senator Holland referenced his meeting in my district, we took him to two schools. We took him to a school -- a high school with over 4,000 youngsters in one high school building, ill equipped, poor facilities, can certainly -- can not be compared to some of the other facilities whose outcomes he wants to compare our children against.

With respect to what the youngsters told him, we took him to another school. It is true that the four-year gradua tion rate that he referenced, 17.8 percent, is something we don't want to live with.

We took him to another high school where we had an enrolled population of high school dropouts whose success rate was near 95 percent there. Why did it work there? They told them it had to do with the kinds of support and encouragement they received in their alternative high school.

It is to those alternatives, to that support system, that I think we should direct attention and priority to and not these

kinds of punitive sanctions. I vote no.

ACTING PRESIDENT KUHL: Senator Espada will be recorded in the negative.

The Secretary will continue the roll call.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Galiber.

(There was no response.)

Senator Gold.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold, to explain his vote.

SENATOR GOLD: Senator Holland, let me just say to you that while your bill would offer what you think is a very simple answer, if these problems were that simple, Senator, they would have been solved a long time ago. I just hope that we haven't wasted three or four hours today.

I think you've heard a lot from people who live in the communities that are affected, who come out of them, who go back to

them, and maybe you understand that these are complex problems, they are not simplistic problems that you throw, if you will, a piece of paper and then all of a sudden sit back with our hands on our waists and we take a look and as farmers looking out on a field as these crops grow. Your bill will not grow crops. Your bill will cause destruction and disaster.

Everybody in the memo, Senator Holland, that I've read, applauds you for recognizing that there's a problem because a lot of people don't even want to deal with it. Every one of those people says you're being too simplistic. You've got a good heart; you've got your eye on the ball but you've got the wrong answer.

I vote no.

ACTING PRESIDENT KUHL: Senator Gold will be recorded in the negative.

The Secretary will continue the roll.

THE SECRETARY: Senator Gonzalez.

(There was no response.)

Senator Goodman.

(There was no response.)

Senator Hannon.

(There was no response.)

Senator Hoffmann.

SENATOR HOFFMANN: To explain my vote, please.

ACTING PRESIDENT KUHL: Senator Hoffmann, to explain her vote.

SENATOR HOFFMANN: This is the time of year where we have large packages of legislation showing up with a little bit of everything for everybody in here, and I realize that this bill can be sold a lot of different ways back home, and probably some of my colleagues will be able to justify their votes in favor of this bill in some measure as doing some good for poor families.

I see it very differently, and I think many other people around the state will see it very differently as well. It's a punitive bill. It's another way of punishing poor people. Taking food off the table of

families who are poor because a child does not attend school is not good public policy in this state.

I applaud the sponsor for having some incentives in there to encourage partici pation, but the disincentives, the punitive aspects more than justify a no vote.

The other part that absolutely appalls me is the prospect of reducing prenatal care to any category of benefic... of benefits in New York State, and I would do anything in my power to try to increase the amount of prenatal care and early screening that should be avail able to people of all incomes in New York State.

So I'm going to vote no against this bill, but I will also be watching very closely to see how it is characterized in the months to come and will do everything in my power to make sure people understand that it is a multi-purpose bill, and it has a much larger stick, as too, it has a carrot.

ACTING PRESIDENT KUHL: Senator

Hoffmann, in the negative.

The Secretary will continue the roll.

THE SECRETARY: Senator Holland.

ACTING PRESIDENT KUHL: Senator Holland, to explain his vote.

SENATOR HOLLAND: I would like to give some of the results from the -- again, give you some of the results from the Primary Preven tive Initiative. That's the Maryland Study.

Nearly 90 percent of Maryland's AFDC families met all of the requirements, 90 percent. 95 percent meet -- met requirements within three months. Only five percent of the families have disallowances for three or more months. 42 percent increase in the number of early periodic screening diagnosis and treatment screens since PPI began, 107,000 in 1992 and 152,000 in 1993. Only 2 percent of the families remained disallowed after seven to nine months, and improved interagency collaboration and communication between state, county, education and human services offices.

And here's just some of the success stories:

Lead poisoning detected in children who otherwise would not have been diagnosed. Cancer diagnosed in a mother receiving prenatal care, caught and treated in time. Eye and vision impairments corrected in many children and parents and improved learning -- and all of those things are good, but the best thing that we want to do is give improved medical services and get young people to go to school.

If you don't like this bill, that's fine. Give me a specific and we'll look at that, but if you can pound your chest, anybody in this house, and say, "Hey, my high school graduates 18 percent in four years," nobody is proud of that, and no matter what anybody in this house says, it hasn't improved in the years that any one of us have been here and we have to do something about it other than just be negative.

ACTING PRESIDENT KUHL: Senator

Holland -

SENATOR HOLLAND: I vote yes.

ACTING PRESIDENT KUHL: Senator Holland in the affirmative.

The Secretary will continue the roll.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Aye.

THE SECRETARY: Senator Jones. Senator Jones.

ACTING PRESIDENT KUHL: Senator Jones, to explain her vote.

SENATOR JONES: I have to agree with many of the things my colleagues have said here today. I wish I thought that this was serious and was really going to correct the problem that all of us have to recognize that we have. The problem is not only the taxpayer who's found it a popular thing to say, "If we only fix welfare, all the other ills in society would be solved," but on the same line, we also know we're not helping the poor who really need some of these services, so we're sort of caught

in the middle, and it certainly is an issue that needs to be addressed.

I would like to believe that this is going to do it. I certainly believe in children being in school. I had a bill myself that mandated children who are emancipated must attend school in order to collect social services.

I'm only going to vote for it because I guess I think, you know, we have to do something. I'm not convinced that this is the right way to go, but it certainly appears to be a one-house bill, and I know Senator Holland said that he was doing some negotiating. Maybe something that -- will come up that will address both sides of this issue, because what it is a political issue, as we all well know, and not necessarily a social one that's good for anybody.

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

SENATOR JONES: I'll vote yes.

ACTING PRESIDENT KUHL: Senator

Jones in the affirmative.

The Secretary will continue the roll.

THE SECRETARY: Senator Kruger.

(There was no response.)

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Yes.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Aye.

THE SECRETARY: Senator LaValle.

SENATOR LaVALLE: Aye.

THE SECRETARY: Senator Leichter.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Leichter to explain his vote.

SENATOR LEICHTER: Mr. President, I really don't -- Senator Leichter, excuse me just a second.

Gentlemen -- gentlemen, can we take the conversations out of the chamber, please? It's getting very, very difficult to

hear your colleagues explain their votes. If there's something so pressing, take it outside the chamber, please. Thank you.

Senator Leichter.

SENATOR LEICHTER: I don't understand how Senator Cook can say that this is going to increase medical benefits. Even if his punitive sanction worked, he cuts -- this bill cuts prenatal care, so people want to believe that that 25 sanction -- $25 sanction is going to work or, like Senator Jones say, "I don't know anything better. Maybe I'll go along with this," but they also ought to take a look at the fact that the bill cuts prenatal care, something that we all agree is needed, is necessary, is important. So, to say that this bill improves medical care is just misleading.

I vote in the negative.

ACTING PRESIDENT KUHL: Senator Leichter in the negative.

The Secretary will continue the roll.

THE SECRETARY: Senator Levy.

SENATOR LEVY: Aye.
THE SECRETARY: Senator Libous.
SENATOR LIBOUS: Aye.
THE SECRETARY: Senator Maltese.
SENATOR MALTESE: Aye.
THE SECRETARY: Senator Marchi.
SENATOR MARCHI: Aye.
THE SECRETARY: Senator Marino, aye.
Senator Markowitz.
SENATOR MARKOWITZ: No.
THE SECRETARY: Senator Mendez, no.
THE SECRETARY: Senator Montgomery.
ACTING PRESIDENT KUHL: Senator Montgomery to explain her vote.
SENATOR MONTGOMERY: Yes, Mr. President. I would just like to read into the record some, I think, significant savings based on the work of our special prosecutor for Medicaid fraud control.
Special prosecutor charges

Oswego doctor with Medicaid fraud after undercover probe. State to recoup $5500.

Westchester jury convicts dentist of $220,000 in Medicaid fraud.

Special prosecutor charges Plattsburgh dentist with $40,000 in Medicaid fraud.

Ulster psychologist, 9,700 Medicaid fraud.

The special prosecutor arrests ex-Oneida Department of Social Services offical in a $1.2 million job contract fraud.

A Brooklyn podiatrist convicted of 200,000-plus Medicaid fraud.

Special prosecutor arrests Queens lab manager in $1 million money laundering.

Special prosecutor arrests Buffalo area psychiatrist for $50,000 medicaid fraud. Medicaid and Medicare to recoup $100,000.

Ex-purchasing chief guilty of $37,000 theft at Schenectady hospital.

Westchester jury convicts dentist

-- that's the same one -- $220,000.

Manhattan doctor admits $1.5 million-plus methadone Medicaid fraud.

Westchester County doctor gets six months in jail for Medicaid fraud.

And two druggists plead guilty on $155,000 script buying Medicaid billing scam.

I submit to you, Mr. President, that's a partial -- very, very partial listing of the kind of Medicaid fraud that the special prosecutor has uncovered and recouped money for the state, and I submit to you that that is where the savings is. We should be spending much more time doing that and not penalizing and punishing poor women and their children.

This is a very sad moment for us, and a very -- I think the wrong statement for us to be making. This is where the money is, Mr. President. That's why I wanted to read it into the record so that we can go back and look. I hope that Senator Holland will take this very seriously. There is a lot of fraud, but it is not where he is looking for it.

Thank you very much. I vote no.

ACTING PRESIDENT KUHL: Senator Montgomery in the negative.

The Secretary will continue the roll.

THE SECRETARY: Senator Nanula.

SENATOR NANULA: No.

THE SECRETARY: Senator Nolan.

(There was no response.)

Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Ohrenstein, no.

Senator Onorato.

ACTING PRESIDENT KUHL: Senator Onorato to explain his vote.

SENATOR ONORATO: To explain my vote.

Mr. President, I am almost in complete agreement with Senator Holland's concept, that we have to do something to reform the welfare system, but I think this particular bill is very seriously flawed in two aspects

that was pointed out by my colleague, Senator Stavisky, and then my other colleagues regarding the prenatal care.

I think there's a discrepancy between the 80 percent attendance and then to get back an unrealistic 95 percent attendance record cannot be achieved. I think without the prenatal care funding for these young mothers, it's going to wind up costing us 50 times -- and I underline "50 times" -- as much money as you're intent to be saving if you continue with that.

I would urge my colleague to amend his bill so that I can vote for it in the future. Under the circumstances, I will vote no.

ACTING PRESIDENT KUHL: Senator Onorato will be recorded in the negative.

The Secretary will continue the roll.

THE SECRETARY: Senator Oppenheimer.

(There was no response.)

Senator Padavan.
SENATOR PADAVAN: No.
THE SECRETARY: Senator Pataki.
SENATOR PATAKI: Yes.
THE SECRETARY: Senator Paterson.
(There was no response.)
Senator Present.
SENATOR PRESENT: Aye.
THE SECRETARY: Senator Rath.
SENATOR RATH: Aye.
THE SECRETARY: Senator Saland.
SENATOR SALAND: Aye.
THE SECRETARY: Senator Santiago.
SENATOR SANTIAGO: No.
THE SECRETARY: Senator Sears, aye.
Senator Seward.
SENATOR SEWARD: Aye.
THE SECRETARY: Senator Skelos.
SENATOR SKELOS: Aye.
THE SECRETARY: Senator Smith.
SENATOR SMITH: No.
THE SECRETARY: Senator Solomon.

SENATOR SOLOMON: Yes.

THE SECRETARY: Senator Spano.

Senator Spano?

(There was no response.)

Senator Stachowski.

SENATOR STACHOWSKI: Yes.

THE SECRETARY: 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: No.

THE SECRETARY: Senator Velella.

SENATOR VELELLA: Yes.

THE SECRETARY: Senator Volker, excused.

Senator Waldon.

ACTING PRESIDENT KUHL: Senator Waldon to explain his vote.

SENATOR WALDON: Thank you, Mr. President.

I have a feeling that what we're doing here is similar to Les Miserables, and that the people that we're looking to punish with this legislation is not -- are not the likes of Jean Valjean, of Johnny Jones and Juan, Costa, Colon, Ruth Danches, the female head of the household, but poor and white, and it doesn't bespeak, in my opinion, of the sensitivity of the true heart that this body should engender to be the Jouberts of the world. I would hope that somewhere down the line there will be a change of conscience, and that for a loaf of bread we don't, as a body, jump into the pool of punishment in exercising our responsibilities on behalf of the people of the state of New York.

And I vote in the negative.

ACTING PRESIDENT KUHL: Senator Waldon will be recorded in the negative.

The Secretary will continue the roll.

THE SECRETARY: Senator Wright.

SENATOR WRIGHT: Aye.

ACTING PRESIDENT KUHL: The Secretary will call the absentees.

THE SECRETARY: Senator Babbush.

(There was no response.)

Senator Connor.

(There was no response.)

Senator Galiber.

(There was no response.)

Senator Gonzalez.

(There was no response.)

Senator Goodman.

SENATOR GOODMAN: Negative.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Nolan.

(There was no response.)

Senator Paterson.

(There was no response.)

Senator Spano.

SENATOR SPANO: Aye.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 39, nays 15.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Can we go back to Calendar 702?

ACTING PRESIDENT KUHL: We'll return to Calendar Number 702. Ask the Secretary to read.

THE SECRETARY: Calendar Number 702, by Senator Daly, Senate Bill Number 3205-A, an act to amend the Social Services Law and the Public Health Law.

SENATOR GOLD: Senator Markowitz.

SENATOR MARKOWITZ: I'm sorry that I had to be out of the chambers, Senator Present, and my colleagues, unfortunately due to an appointment I had previously made, and I would very much be honored if the privilege would be extended if I could be recorded in the negative on Calendar Numbers 702, 704, 705, 706, 708, 799, 801, 993, 994, 995, 998, 1133, 1238, 1239 and S. -- Senate 7371 when it comes out of the Rules Committee.

Thank you, Senator Present. I appreciate it very much. Thank you.

SENATOR PRESENT: I think you know the answer before you ask. I have to deny your request to vote no on all those bills. The rules of the house are that you be in your seat to vote.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: I am shocked - no, no. I understand Senator Present's position, but I think it's important we try to move this session along and we, unfortunately or fortunately, do not have a procedure where a member's called out in the middle of a day can be excused for that portion of the day.

I know that Senator Markowitz had some very, very pressing, urgent business, and at least at this point we understand, since he would prefer to be excused, that this way the record is clear and tomorrow when the roll calls are finished, I think Senator Markowitz will

make a similar statement and the roll calls will reflect the accuracy of his positions.

ACTING PRESIDENT KUHL: Thank you for the comment, Senator Gold.

Is there any Senator wishing to speak on Calendar Number 702?

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: On the other hand -- on the other hand, we have already called 702. Perhaps on this bill, if you wouldn't mind just having the last section read -- if you wouldn't mind, at least you could vote on this one, Senator.

SENATOR PRESENT: Calendar 702, may we have the last section read?

Call on Senator Markowitz.

ACTING PRESIDENT KUHL: The Secretary will read the last section on Calendar 702.

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

shall have become a law.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Markowitz will be recorded in the negative.

SENATOR PRESENT: Senator Pataki.

ACTING PRESIDENT KUHL: Senator Pataki.

SENATOR PATAKI: Yes.

ACTING PRESIDENT KUHL: Senator Pataki will be recorded in the affirmative.

The Secretary will withdraw the roll call.

SENATOR GOLD: Thank you very much.

ACTING PRESIDENT KUHL: Now, on the bill. An explanation has been asked for by Senator Gold, Senator Daly, on Calendar Number 702.

SENATOR DALY: Mr. President, I think I can best begin the explanation of this bill by asking a question of all my colleagues,

particularly those on the other side of the aisle.

Does anyone in this house believe that a family of two with $500,000, for example, in mutual funds or in stocks and bonds should have the birth of their child subsidized by the state and by our nation? Does anyone believe that someone with $1 million, $250,000, should be eligible for the PCAP program?

There's silence in the house, Mr. President, so I see that this bill should move rather easily because that's exactly what happens.

Mr. President, under the present law, there is no requirement for someone who applies for PCAP -- for the PCAP program, to list their liquid resources.

Now, it's ironic, and this - again, we're talking not of welfare reform here but a reform of social service. It's ironic that women who apply for PCAP and, again, their income can range -

ACTING PRESIDENT KUHL: Senator

Gold, the explanation is satisfactory or -

SENATOR GOLD: Oh, no, no, no, but I do have some questions after he finishes.

SENATOR DALY: I will not yield at the present time.

Income for the PCAP program ranges from -- for eligiblity for the PCAP program, ranges from $18,000 for a family of two to $47,000 for a family of eight.

Now, for someone -- when someone goes down and applies for welfare, they fill out a form and they fill out the entire form, including one little section in there that says "Resources", but when someone applies for the PCAP program, they don't have to fill out that part. They don't have to fill out "Resources". They can have unlimited monies in stocks and bonds and mutual funds, any negotiable instruments.

The thrust of this bill is to stop that. It's not right. It is not right for people with that kind of -- with that amount of resources to be subsidized by the taxpayers of

the state, and that's simply what this bill does. It does not take -- let me say that the PCAP program is a good program. I support it wholeheartedly. It does not take PCAP away from those women who need the financial help and who need the program. The bill simply imposes an assets test on liquid resources in excess of $15,000.

Remember, that's resources. Income is separate. Income is additional for the Prenatal Care Assistance Program, and liquid resources are defined for purposes of this bill as cash on hand, negotiable instruments, demand deposits, time deposits within banking organizations, stocks, bonds and mutual funds. That's simply -- that's what the bill does. Such accounts designated as IRAs are excluded, Senator Gold.

ACTING PRESIDENT KUHL: Senator Gold, you have the floor.

SENATOR GOLD: Will the Senator yield to a question?

ACTING PRESIDENT KUHL: Senator

Daly, do you continue to yield?

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR GOLD: Senator, in the definition of "liquid assets", you've just given -- in other words, if the person didn't have the liquid assets, but like most welfare or social service recipients or most people who have this low income, their $2 million houses are not counted, right, Senator? I mean, a house is excluded, right?

SENATOR DALY: I'm sorry. I'm sorry, Senator.

SENATOR GOLD: Their house.

SENATOR DALY: Their house is not included?

SENATOR GOLD: Right. So those people on -- you know, whose incomes are limited to 100 percent or 185 percent of -- of the poverty level, but who have their $2 million houses, we don't count their $2 million houses.

SENATOR DALY: If you want them

to sell their house, Senator Gold, I would be glad to amend the bill.

SENATOR GOLD: No, I just want to make sure that they can know that their mansions are excluded under your bill.

SENATOR DALY: Yes, they are, but their $1 million worth of stocks and bonds are not.

SENATOR GOLD: Right. Okay. Now, Senator, I'm just serious about the level now. You've got this $15,000 level. I was wondering where that came from. Was that -

SENATOR DALY: It was a judgment call.

SENATOR GOLD: -- an arbitrary number picked out?

SENATOR DALY: Remember, when we talk in resources, we're not talking income.

SENATOR GOLD: No, we're talking liquid -

SENATOR DALY: -- we're talking assets, liquid assets. Yes, that was quite basically a judgment call of what we thought was

fair. If someone has -- can raise - immediately get their hands on $15,000, we think that they should be required to put up the 5- or $6,000 that otherwise would be paid by PCAP.

SENATOR GOLD: Okay. Will the Senator yield to another question?

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR DALY: Certainly.

SENATOR GOLD: In other words, somebody can get -- somebody can have $15,000 in the bank or in stocks, bonds, or 14,999 and still qualify for the benefits, is that correct?

SENATOR DALY: Yes.

SENATOR GOLD: But if somebody has $15,500, they are going to have to pay in, what? $5,000, is that what the bill -

SENATOR DALY: That's correct, Senator, yes. I would submit in answer to that question, Senator, that that's not the only place you'll find in law an arbitrary figure. You'll find it constantly if you would look

throughout the statutes where we have to set limits. Whether it be for tax exemptions, income, to be eligible for certain programs, you have to pick a figure, Senator, and we picked $15,000, and you're right.

SENATOR GOLD: Will the Senator yield to a question?

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Senator, Do you continue to yield?

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR GOLD: Senator, if 15 thou... if you think somebody with a small child or somebody in this predicament should be able to have 15,000, then why wouldn't you put in there, "If the person had 16,000 they might have to contribute $1,000," but at least let them have the 15- that their neighbor is allowed to have, the neighbor who only has 15-.

SENATOR DALY: Senator, it's an interesting thought. I might try that one next

year but, as of the moment, Senator, I think I'm going to stick with this bill which sets $15,000 as a cap.

ACTING PRESIDENT KUHL: All right. Will the Senator yield to a question?

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

SENATOR GOLD: Senator, your next door neighbor finds out about your bill, your law, and your next door neighbor has 20- -- has $17,000 and says, "Well, wait a minute. I'm going to have to fill out a statement, so I'm going to make a gift to my sister of $2,000 and then I've only got 15,000." There's nothing in your bill, as I see it, that prohibits -- that requires that any information be given as to recent gifts or disposals of money.

SENATOR DALY: Nope. Senator, we are still using -- we will use the form that has been used, and you're right. Senator, there are so many ways to get around so many laws. I'm not saying we will be able to put in place the perfect law. Of course not, we won't. But,

however, I am saying that the state certainly should go on record with the strong expression that people who have the resources should not be able to subsidize their pregnancy, the birth of a child, through the state.

SENATOR GOLD: All right. On the bill, Mr. President.

ACTING PRESIDENT KUHL: Senator Gold, on the bill.

SENATOR GOLD: Mr. President, the -- as with some of the other bills we've discussed today, the bill is just flawed. It is not thought out, and the reason it isn't thought out, I think, and I certainly don't read Senator Daly's mind, but if you're dealing with some thing which is not going any place and you're trying to make a political statement, you don't have to worry about all of the details. After all, 15,000 bucks, that's it. I don't have to explain why. Somebody might say 20-. Maybe if this really was going to become a law, somebody would say, "Well, you know, a mother with a new born child or somebody who needs this kind of

care --" you know, it's not unrealistic to say, "Look, let them keep 25,000." God forbid there's an emergency or maybe their kid needs clothing. Maybe the kid lives in upstate New York and it gets colder than it does in down state New York. Who knows? Maybe we ought to at least say that if the person has a little bit more than 15,000, that we'll make them apply a little of their money but not all of their money.

But the point is that the bill isn't thought out. It doesn't provide for situations where somebody can train, can give the assets to somebody else to hold. It doesn't provide situations where you can theoretically take your assets and set them up in a trust fund for the child with a friend of yours admini stering it, so you rarely even keep the assets, and when Senator Daly says to me, "Well, somebody can always find a way to get around a law." First of all, Senator, we aren't supposed to create laws that encourage people to get around them, and if somebody can get around your

law, what's the sense of your law anyway?

Now, I understand, Senator Daly, that there is one person that you found with $160,000, and that got you in some way incensed, all right? But we've had this before.

Senator Volker, I hope he's recovering well. I look forward to seeing him soon. Had one case in Erie County where an assistant DA messed up and he wants to change a whole Criminal Procedure Law. I think that's just a wrong basis for making these kind of judgments. There's no explanation. There's no rationale for cutting this off at the number you're cutting it off, and it is, in my opinion, a knee-jerk reaction to an isolated case.

We do not, Senator Daly -- I mean to send out a signal that the people who are in this program are people living in mansions with $150,000 in the bank and that these are all wealthy people. It's just the wrong signal. The program -- you say you like the program. We know the program is helping people, so taking a potshot at it like this, I think is a big

mistake, and I want to tell you something, Senator. The level of $15,000 is a terrible level. People -- children get brought into this world and people -- the concept that they don't have needs and that $15,000 is a lot of money, in this situation, is a wrong concept. It's just a wrong concept, and I believe it is unfair.

When you take a look at the lifetime costs of caring for a low birth weight infant, which can reach up to $400,000, you're being unrealistic. Believe me, the one case you found where the person was sitting on a lot of money is not the case for the overwhelming 95, 98, 99 percent of these cases, and to come in with laws that cast aspersions on a whole class of people, I think is a mistake.

SENATOR DALY: Mr. President.

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

SENATOR DALY: I would like to answer -- respond to Senator Gold.

ACTING PRESIDENT KUHL: Senator

Mendez asked to be recognized first, Senator Daly. I do have a list going.

The Chair recognizes Senator Mendez.

SENATOR MENDEZ: Mr. President, actually, I am rising here in support of this bill, and I'm going to tell you why, and I have to refer to the New York Times article a year ago whereby the point was made very clearly that the Medicaid program, originally designed to provide medical and primary health care to the poor, had become a middle class program. Even if it is only one case of a woman who shouldn't have obtained the benefits of the PCAP program, I think that this bill will do the following, and that is, to delineate clearly that this program, the PCAP program, was the sign so that women who have an income of up to 185 percent of -- an income of up to 185 percent of the -- of the poverty level would be able to receive the -- the prenatal care services of their children up to one year of age.

Now, if we do not -- I feel, if

we do not pass a bill in this instance to protect this program so that this program will serve those people that it was intended for, we would be running the risk of having the same thing occur with this problem in women or families who do have economic resources enough to -- through private medical insurance, or whatever, pay their own way.

And so that in this instance, I really must congratulate Senator Daly, for putting forth this bill while demanding an economic resource test was intended to simplify the eligibility process. I don't think that it will be -- that process will be that much compounded by insisting that the people who are entitled to receive those services are, in fact, and will be, in fact, receiving them.

So, Mr. President, we cannot lose sight as to why this program was designed here in New York State, and that is, one, to provide prenatal care to women who are not above the Medicaid level and, secondly, medical services for the child during the first year and, thirdly

-- excuse me -- and thirdly, in an effort to do something about the horrible statistics that exist concerning the horrible disgrace our nation has in having one of the highest percentages -- levels of infant mortality.

So thank you, Mr. President. I will be supporting this bill.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Daly.

SENATOR DALY: Would Senator Gold yield for a question?

ACTING PRESIDENT KUHL: Senator Gold, do you yield for a question?

SENATOR GOLD: Of course.

SENATOR DALY: Senator, your objection to this bill would indicate to me that you believe there should be no limit on income either, is that true?

SENATOR GOLD: Senator, I don't -- I don't say there should be no limit on income at all. What I say is that if you believe that there are abuses because there are people out there with large assets and that they

do not need this program, then I think we should make a study of that and you come before us with some information which indicates that there is a need to change the program.

The only thing that I have in your memo that I see, Senator, is that there is one case where you found somebody with $160,000. So, based upon the one person with $160,000, you want to put in a limit of 15-. And what I'm saying, Senator, is that you don't even say if you've got 16-, we take 1,000 so at least you can maintain your 15-. You say if you got 15,001, we're taking 5- or 6,000 and you're going to go shooting down, and there's not even equity among the people, and you don't provide for people not to be able to hide their assets, so you're encouraging some people to get in volved in activities which they would not be illegal and they wouldn't be fraudulent, but there would be a way around the bill. The bill in its present form, in my opinion, is not drafted properly and it's not well thought out.

SENATOR DALY: Mr. President,

would the Senator yield for one more -

SENATOR GOLD: Of course.

SENATOR DALY: -- one more question?

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DALY: You thought it perfectly all right for that one person with 100... family with $162,000 to qualify for the PCAP program?

SENATOR GOLD: Senator, I'm telling you that I am as shocked as everybody else that there's somebody with $162,000, but I don't know all of the circumstances of that -

SENATOR DALY: Thank you, Senator.

SENATOR GOLD: -- Senator, and I do know -- I do know that if I were going to be the one like Senator Daly who found out about it and wanted a remedy, I would have handled it differently. I would have looked into it a lot further.

SENATOR DALY: Thank you,

Senator.

ACTING PRESIDENT KUHL: Senator Daly, on the bill.

SENATOR DALY: Mr. President, we have looked into this bill. Senator Gold takes exception to the fact that we limited the 15,000 level, but I submit to you, Mr. President, that if you'll check through the statutes in which maximums and minimums are required, throughout you'll find an arbitrary figure.

Now, the $15,000 to a degree is arbitrary, but part of it, say, is based on the cost of the PCAP program. Senator Gold points to a case where there was someone who said the cost to be $400,000, and if that's true, if that happens constantly, why do we limit it to anyone? Why do we have any limit on it? Why shouldn't everyone -- everyone in this state have the right to a PCAP treatment?

And certainly, Mr. President, we know that we cannot go in that direction. We can't go in the direction of increasing all grants in aid to everyone as many would like to

do. We all like to be very generous but, unfortunately, there is a limit to what we can spend, and I submit that even if there was one case where a person took advantage of a good program who did not require the assistance because they were fully capable of paying for it themselves, then it should be changed.

There's more than one case, Mr. President, of such occurrences. I don't have a list of them. I haven't gone looking for a list because that in itself is wrong. The principle is wrong and, therefore, we should change it. We're supposed to be helping the poor. The debate here all day has been on that element.

Here we have a hole where -- in statute which allows people who do not require state's assistance, who should not get state's assistance, literally robbing from the poor because they're taking money in a program that's aimed at helping those of lower income. Very simple. Say we pass this bill today, and we will have filled that hole which, very frankly, is very unfair to the taxpayers who have to pay

for it.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FARLEY: Senator Gold, to explain his vote.

SENATOR GOLD: Yeah, I would just like to remind some of my colleagues that on this bill last year, Senator Connor and Dollinger, Galiber, Hoffmann, Jones, Leichter, Markowitz, Masiello, Nolan, Ohrenstein, Oppenheimer, Paterson, Santiago, Smith, Stachowski, Waldon, all joined Senator Tully in opposing the bill.

ACTING PRESIDENT FARLEY: Senator Jones, to explain her vote.

SENATOR JONES: Yes. I listened to, you know, the debate and when Senator Daly

asked the question, do I believe $500,000 of assets, a person should get prenatal care; of course, I said, absolutely not, but then I said to myself, but do I believe with anyone with $500,000 in assets would want free prenatal care? Would they want to go to a clinic setting? Would they want no private doctor? Would they want to perhaps have a child that could be at risk and not have the best care for that child and, unfortunately, I came up with the same answer. In fact, if I thought that, then I think it should be the mental health care that we should be concerned about for that particular person with those kinds of assets.

We passed a bill recently about HIV testing, Senator Tully's bill, which I thought had some excellent points in it and it emphasized prenatal care and that actually we could make a difference if we could get these women in prenatally and work with them, and AZT, get them on treatment.

The child I guess that -- I feel on this when the child born without prenatal

care who then might be condemned to a lifetime of needing care is a bigger risk to me than the one person or two, whoever might sneak through the system which would be a big mystery to me why they would want to, but I would rather err in this case on the side of everybody getting this prenatal care, so I'm going to have to vote no on this one.

SENATOR OPPENHEIMER: Mr. President.

ACTING PRESIDENT KUHL: Senator Jones in the negative.

Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: Please. We have often said on this floor, I think, that bad cases -- or maybe I've said, bad cases make bad law, and I see that basically this law is in response to something that happened in Niagara County when a woman qualified for Medicaid under PCAP with assets of $160,000.

Yes, there are -- there are rotten apples that sneak into every barrel, but

I don't think you, you know, attack the barrel because of the one rotten apple, and I think that's what we're doing here.

$15,000 in liquid assets is not a great deal of money, particularly for the many people in our society who, unfortunately, do not have medical care, that would barely cover four days in an emergency care situation.

I think to society at large, we know -- generally speaking, we know that low birth weight babies cost our society, our country, our state a fortune. A low birth weight baby can potentially have problems that escalate into the millions of dollars. We see more children of low birth weight with physical disabilities. We know they have more learning disabilities. It should be the cause and a dedicated purpose of our society, of our state, to do as much as we can to prevent low birth weight babies and we have been moving in that direction. I think the cost of perinatal care, care prior and post-birth, is very small when you consider the savings that can be made to us

generally by having a population of healthy babies born to healthy mothers.

I vote no.

ACTING PRESIDENT FARLEY: Senator Oppenheimer in the negative. Senator Paterson, to explain his vote.

SENATOR PATERSON: Mr. President, I would suggest that with only nine percent of the women who were seeking this care under the PCAP program, actually falling within even 100 to 185 percent of the federal poverty line, then it would seem to me that those individuals such as the woman in Niagara County who were abusing this privilege that society has offered them are really very few and far between. My concern is that the roadblock that we're putting into the system is going to impede the chances of the overwhelming number of women who have very small salaries and very few assets from receiving care.

We first started addressing the PCAP issue in 1990 and on July 2nd of that year, we passed legislation allowing for the assist

ance of women who fell within 100 to 185 percent of the general poverty line so long as they did not receive counseling to determine whether or not they wanted to continue their pregnancy.

At that time we put a roadblock into the law that it took a New York State Supreme Court to strike down as unconsti tutional. I don't think there's any unconsti tutionality in this bill but I just think that it is a barrier that would obfuscate the true desire of the sponsor of the bill which is to aid as many unfortunate women who, because of their impoverished condition, cannot receive the proper aid that they should.

Therefore, I vote no on the bill, Mr. President.

ACTING PRESIDENT FARLEY: Senator Paterson is in the negative. Results?

Do you wish to explain your vote?

SENATOR MONTGOMERY: No, I -

ACTING PRESIDENT FARLEY: Voting no. Senator Montgomery is also in the negative.

THE SECRETARY: Those recorded in the negative on Calendar Number 702 are Senators Connor, Dollinger, Espada, Gold, Hoffmann, Jones, Kruger, Leichter, Markowitz, Montgomery, Ohrenstein, Oppenheimer, Paterson, Santiago, Smith, Stachowski, Stavisky, Tully and Waldon, also Senator Onorato. Ayes 38, nays 20.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Connor.

SENATOOR CONNOR: Thank you, Mr. President.

Mr. President, could we let the record reflect that I was called away from the chamber for a meeting when the vote was taken on Calendar Number 704, and had I been present, I would have voted in the negative.

Thank you.

ACTING PRESIDENT FARLEY: The record will show that.

Senator Paterson.

SENATOR PATERSON: Mr. President, I also, unfortunately, was out of the chamber at

the time, and had I been, would have voted no on Calendar Number 704. There's no changing that, but I would like the record to reflect that that's how I would have voted.

ACTING PRESIDENT FARLEY: The record will show that you would have voted in the negative. Regular order?

SENATOR PRESENT: Regular order.

ACTING PRESIDENT FARLEY: Regular order.

THE SECRETARY: Calendar Number 705, by Senator Holland, Senate Bill Number 5422-B, an act to amend the Social Services Law and the Executive Law, in relation to Medicaid fraud control.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for, Senator Holland.

SENATOR HOLLAND: This bill provides for an exemption of an automobile with reasonable value from personal property used to access Medicaid eligibility. Section 1 defines the appointment process and duties, really

codifies the Deputy Attorney General for Medicaid fraud into law and expands prosecu torial powers of the Welfare Inspector General.

In the first section, many of you have heard stories from your constituents who say, "A lady came into the store; she bought her food with food stamps, and she went out to a Cadillac or a Rolls Royce." This is to stop that.

Under present law, if you have some cash and you're close to getting on Medicaid, you can dump that cash into an expensive car, and all this bill says is you can still have a car exempted from it but it has to be a reasonable amount and that amount would be set by the commissioner.

ACTING PRESIDENT FARLEY: Senator Jones.

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

ACTING PRESIDENT FARLEY: Senator Holland, would you yield to a question?

SENATOR HOLLAND: Yes.

SENATOR JONES: Senator Holland, I support all of your issues as far as the car and things like that, but you probably know we have another bill in that establishes the Medicaid Fraud Advisory Review Panel. Am I correct in understanding that under your bill, you're actually creating a new office which there will obviously be a cost to and a fiscal impact on the state to do that?

SENATOR HOLLAND: Say that again, Senator. I'm sorry.

SENATOR JONES: I'm of the opinion that under your bill, you talk about a Deputy Attorney General. I assume this is a new office and there will be a fiscal impact to the state, and if so, what would it be?

SENATOR HOLLAND: No, Senator, it's not. It's just really codifying Kuriansky's duties. He has them in regulation now. This is take them out of regulation and putting them into law. There are no new powers or positions being created by this bill.

SENATOR JONES: Would the Senator

yield to another question?

ACTING PRESIDENT FARLEY: Would you yield to another question, Senator Holland?

SENATOR HOLLAND: Yes, yeah.

ACTING PRESIDENT FARLEY: Yes, he will.

SENATOR JONES: I guess, Senator, I need further clarification. It reads -- what I'm reading in the bill says, "The Attorney General shall appoint, employ and," et cetera, "a Deputy Attorney General." That sounds like a new position. Am I misreading it?

SENATOR HOLLAND: He already exists. This position already exists. This is Kuriansky's position and he will be appointed by the Attorney General. He's recommended by the Governor at this point. It's an existing position.

SENATOR JONES: Would the Senator yield to another question?

ACTING PRESIDENT FARLEY: Would you continue to yield?

SENATOR HOLLAND: Yes, yes.

SENATOR JONES: So your answer to that is then there will be no additional fiscal impact to the state to put this into effect?

SENATOR HOLLAND: Yes, Senator.

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

ACTING PRESIDENT FARLEY: Would you yield for another question? He will.

SENATOR JONES: Is this bill supported by the Governor and the office of special prosecutor for Medicaid fraud control?

SENATOR HOLLAND: The special prosecutor has supported it. I don't know what the Governor's position is, to tell you the truth.

SENATOR JONES: And would the Senator yield to one more -

SENATOR HOLLAND: Yes.

ACTING PRESIDENT FARLEY: Yes, he will.

SENATOR JONES: What about the - now, the Association of Counties, are they in line with this bill -

SENATOR HOLLAND: To my knowledge.

SENATOR JONES: -- as far as -

SENATOR HOLLAND: To my knowledge, they have not taken a position.

SENATOR JONES: On the bill.

ACTING PRESIDENT FARLEY: On the bill, Senator Jones.

SENATOR JONES: As I mentioned when I first began this discussion, myself and several of my colleagues have a similar bill in that would set up a Medicaid Fraud Advisory Review Panel and this would not be a new office, and again, I don't -- I believe the biggest benefit of this is that it creates a much better link with local -- local governments and the local people dealing with these kind of Medicaid fraud issues.

I believe in the past that the Association of Counties has supported this concept because under it, it would give them a lot more input where there would be more of a direct link instead of, again, us up here on

high, kind of regulating or trying to deal with the problems that are actually occurring at the local level. I think the fact that there is a cost in this, it would include a lot of people within the state and I won't read it all but, you know, I would suggest that perhaps at some later time if this bill does not become law, Senator Holland, you might want to look at this and perhaps either include this piece or amend your bill at some time to add this section of it to give our local governments greater input into the system.

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: Would the sponsor yield to one other question, Mr. President?

ACTING PRESIDENT FARLEY: Senator Holland, would you yield -

SENATOR HOLLAND: Yes.

ACTING PRESIDENT FARLEY: -- to a question from Senator Dollinger?

SENATOR DOLLINGER: Just so I

understand it, under current regulations, is the Deputy Attorney General for Medicaid fraud appointed by the Attorney General subject to the consent of the Governor?

SENATOR HOLLAND: The Governor recommends; the Attorney General appoints.

SENATOR DOLLINGER: Excuse me?

SENATOR HOLLAND: The Governor recommends; the Attorney General appoints.

SENATOR DOLLINGER: My only concern here -- Mr. President, again, if Senator Holland will yield is -

ACTING PRESIDENT FARLEY: Do you yield to Senator Dollinger?

SENATOR HOLLAND: Yes.

SENATOR DOLLINGER: -- rather than -- don't we set ourselves up for a public fight between -- a public fight between the Attorney General and the Governor if it's consent language instead of one appointing based on the other's recommendation? And I can see that the Attorney General, assuming that worst comes to worst and there's perhaps a division in

the political allegiances of the Attorney General and the Governor as there is not currently, but if there did, I can see that we have a political -- public political shouting match over who should fill this position unless there's some other way other than with the consent of the Governor. The Attorney General recommends somebody. The Governor says, "I won't consent", where do we go to from there?

SENATOR HOLLAND: I guess you're correct, sir, and I'm understanding that that did happen in the middle 70s, as a matter of fact, but there are a lot of political discussions in this business we're in.

SENATOR DOLLINGER: I guess I would like the approach of one perhaps recommending a series of names and that someone actually finally appointing, but if you give them the power to appoint and let that appointment be subject to the consent, I can see that we'll have a public -- potential for a public fight over this that there may be some better way to deal with. I'm not so sure that's

a reason to vote against this bill, but I think if you had, perhaps the Attorney General making the recommendation, the Governor making the appointment, it might be easier to accomodate that or the Attorney General making the appointment subject to recommendation by the Governor or something, some other way to do it. I just think this creates the potential for a highly priced fight.

ACTING PRESIDENT FARLEY: Senator Montgomery.

SENATOR MONTGOMERY: Yes. Thank you, Mr. President.

I would just wonder if Senator Holland would yield for a question?

ACTING PRESIDENT FARLEY: Would you yield to a question from Senator Montgomery?

SENATOR MONTGOMERY: Senator Holland, since you indicate that we already have -- this position exists already -

SENATOR HOLLAND: Yes.

SENATOR MONTGOMERY: -- it's just

that it's not in statute; that what you're doing, you're just -

SENATOR HOLLAND: It's in regulation and we're putting it in statute. This is -- Mr. Kuriansky -- this is the provider's fraud section of the government - whatever.

SENATOR MONTGOMERY: If Senator Holland would yield for a further question.

Is there anything in your bill - you know, I just read from the press releases of Mr. Kuriansky. Is there anything in your bill that would require any change in the office as it is currently?

SENATOR HOLLAND: There are - there are no new additions or deletions in the bill, no.

SENATOR MONTGOMERY: All right.

SENATOR HOLLAND: You know Kuriansky because you mentioned that in the last debate too, that you read his press release. That's what we're talking about, the provider section.

SENATOR MONTGOMERY: On the bill, Mr. President.

ACTING PRESIDENT FARLEY: On the bill, Senator Montgomery.

SENATOR MONTGOMERY: Thank you.

I certainly am supporting this bill, not because I think we need it, because it seems very redundant to me, in fact, that we have a position already. We have -- the function of the position has, I think yielded tremendous results for the state, and so I'm not sure what the purpose of the legislation is, except as Senator Holland says, he wants to make sure that from this point and on into the future, we will have a position that functions as such, and so -- and, of course, how that position gets appointed is -- I know there are questions about it based on visiting your legislation, Senator Holland, but I must say that I am certainly supporting this because, as I pointed out in my last explanation of my vote against the bill that was before us at that moment, this is where the fraud is. This is

where we should be looking, where Kuriansky is looking and not at mothers and their children to -- to seize from them $25 or $75 a month because they don't fulfill whatever it is we say that they should fulfill, so we punish them.

This really goes after where we can -- can experience some real savings, and I think that this is the way we should be going, and if we just did this in this Legislature, I think that all of these other welfare bashing bills would not be necessary because we would really be going at the root of the problem.

So, Senator Holland, I disagree with you on 75 percent, but the 25 percent that I'm agreeing with you on, I think, will yield us the 75 percent of the true savings in welfare fraud, so I commend you and I'm going to be supporting this bill.

Thank you.

ACTING PRESIDENT FARLEY: Read the last -

Senator Paterson.

SENATOR PATERSON: Mr. President,

would Senator Holland yield for a question?

ACTING PRESIDENT FARLEY: Would you yield to Senator Paterson, Senator Holland? Yes, he will.

SENATOR PATERSON: Thank you, Senator.

The issue of why in your legis lation the Governor recommends to the Attorney General to make this appointment of the deputized Attorney General for the investigation of this kind of fraud, it occurred to me that, perhaps in 1945, I believe the Legislature added to Executive Law 63, Sections 8 and 9 which gave the Attorney General actually the right at that time for regulatory purposes to appoint a deputized Attorney General, and so the Governor by recommending to the Attorney General would be exercising, I think an option whereas, if the Governor were going to make the appointment, the Governor would have to do that under Article IV, Section 12 of the Constitution where the Governor would be then directing the Attorney General but then that deputized Attorney General

would be classified as a special prosecutor.

So I was going to suggest to you in your legislation that it is correct for the Attorney General to actually make the appoint ment and for the Governor to make the recom mendation.

SENATOR HOLLAND: I'll certainly look at that if it doesn't go this year, Senator, absolutely.

SENATOR PATERSON: Thank you.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 706, by Senator Holland, Senate Bill Number

6500, an act to amend the Social Services Law, in relation to eligibility determination of minors.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: There's a local fiscal impact note at the desk.

Senator Holland, an explanation has been asked for.

SENATOR HOLLAND: Yes, Mr. President.

Present eligibility standards governing New York's public assistance programs permits -- permit minors who are adolescent parents to establish their own residence and independently care for their children.

The goal of this legislation that we're considering now is to keep the larger family units together, in the hope of removing the impetus and the need for adolescents to become dependent on welfare in order to provide for their children, and what this basically does, this bill basically does is require, if possible, young mothers and individuals on AFDC,

home relief or veterans' assistance, to live at home.

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR WALDON: May I interrupt, Mr. President, and ask -- was someone asking you a question, Senator?

ACTING PRESIDENT FARLEY: Would you yield to Senator Waldon?

SENATOR HOLLAND: Certainly.

ACTING PRESIDENT FARLEY: Yes, he will.

SENATOR WALDON: Earlier, Senator Holland, if you recall -- thank you, Mr. President -- we were speaking on spousal abuse. All of the data that I have seen indicates that that syndrome, that behavioral pattern somehow replicates/duplicates itself regarding troubled children.

One might contend that someone who has a premature pregnancy could be trouble. I don't want to use a broad brush and say that that is true, but to some degree, the informa

tion I've seen indicates that children who are seeking love and some sort of companionship somewhere because they have such an absence of it at home, find it in the arms of some person and they become pregnant.

What happens when, in fact, that is the scenario; the young girl has been abused at home, she finds someone outside of the home to comfort her, she becomes pregnant and she's thrown back into that setting, but now it's compounded because she's there with a child; she's pregnant. She is in the eyes of the parent or parents, perhaps, a really bad person now. How do you manage that?

SENATOR HOLLAND: There are five exceptions, Senator. We certainly don't want individuals going back to an abusive home of any way, shape or form. The exceptions are the individual has no living parent or guardian whose whereabouts are known; the individual's living parents or legal guardians would not allow the individual to live at home; the individual has lived apart from his or her

parents or legal guardian for at least a year prior to the birth of any such dependent child or prior to applying for assistance; the individual's physical or emotional health is endangered by living with his or her parents or legal guardians or any other good cause for waiving the applicability of this subdivision.

SENATOR WALDON: May I ask another question?

ACTING PRESIDENT FARLEY: Would you continue to yield?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT FARLEY: Yes, he will.

SENATOR WALDON: Thank you, Mr. President.

Senator Holland, how is this exercised, this waiver, and when is it exercised?

SENATOR HOLLAND: By the commissioner, the individual commissioner.

SENATOR WALDON: So then it's after an application is made to the commis

sioner, is that correct?

SENATOR HOLLAND: Yes. I don't know the answer specifically whether it's -- I guess when the application is made, that the young woman or whoever, would give a reason why she couldn't do that at that point.

SENATOR WALDON: Mr. President, may I continue?

ACTING PRESIDENT FARLEY: I'm sure he will.

SENATOR HOLLAND: Yes.

SENATOR WALDON: Thank you, Mr. President.

Senator, just briefly a kind of statement or perhaps a question. My concern would be that before the application could be properly addressed and the grievance readdressed, further harm could occur to the young person in question, and you're punishing the person for not being there by the time the person takes corrective steps to get out of that very difficult situation, additional harm is done.

Would you consider, sir, doing something so that there would not be a need to make application first, to remove one's self from that situation, if she could just leave and after the fact make the application?

SENATOR HOLLAND: I would certainly look at it, Senator. You know, this is a very difficult situation. You've heard in the news recently where people who are abused one way or the other don't want to leave.

SENATOR WALDON: Some.

SENATOR HOLLAND: Some, Yeah. So I would look at it, absolutely.

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

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, would the sponsor yield for a question?

ACTING PRESIDENT FARLEY: Would you yield to Senator Dollinger?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT FARLEY: Yes, he will.

SENATOR DOLLINGER: I'm intrigued by the concept of veterans' assistance benefits. Could you explain? I don't really know what those benefits are, and could you just tell me why they are included in this bill?

SENATOR HOLLAND: What are the benefits why somebody might set up their own home?

SENATOR DOLLINGER: No, no, no. As I understand your bill, it includes not only home relief or veteran assistance benefits. What are veterans' assistance benefits?

SENATOR HOLLAND: Veterans' assistance, could be, Senator -- it's not a veteran necessarily. It might be that the individual was a child of a veteran and received payments of the veteran who is deceased. You're still receiving veterans' benefits.

SENATOR DOLLINGER: But it could be a veteran as well, could it not?

SENATOR HOLLAND: I imagine it

could, but I think that is precluded because that individual has lived away from home for more than a year probably.

SENATOR DOLLINGER: Okay. So I understand -- Mr. President -- you could be a veteran, you can go over and fight for your country, but you couldn't get the benefits unless you lived at home?

SENATOR HOLLAND: Only if you can fight for your country for less than a year. Under the bill, if you lived away from your home for a year, you're not covered under this, in any way, shape or form, okay?

SENATOR DOLLINGER: But if you went into the armed services and you served in the armed services for six months, and you were honorably discharged because of a medical problem and you decided you wanted to live away and you were entitled to veterans' benefits because of your medical disability incurred, would you be required under this bill to live at home?

SENATOR HOLLAND: It's 18 years

old, I'm told. That means that they couldn't go into the service and serve a year and still qualify.

SENATOR DOLLINGER: Well, it says "no individual under the age of 21 who is not married or --"

SENATOR HOLLAND: Yes, I know, but the bill says 18. I have the same sheet of paper that you have, but the bill says 18, no individual who is under the age of 18. Can you show me on the bill where it says 21?

SENATOR DOLLINGER: It says in line 8 -- it says -- am I missing -- it says "no individual under the age of 21 who is not married...."

SENATOR HOLLAND: You're correct. You're correct.

SENATOR DOLLINGER: But I guess my question is, Senator, did you intend it that someone who is 18 years old, enrolls in the military, takes six months in the military and then would have to live at home to get their veterans' benefits even though they've gone out

to give their service for their country?

SENATOR HOLLAND: That's what the bill says.

SENATOR DOLLINGER: Well, I would suggest, Senator, if that's what the bill says, that's at least in my understanding an extremely punitive measure for someone who said, "I want to go out and defend my country; I'm willing to give my life for my country; I'm willing to fight for my country; I'm willing to do whatever is necessary for my country, but I'm not 21 years old, and yet I'd like my veterans' benefits, whatever benefits I'm entitled to, if I'm disabled."

I, for one, have a brother who went into the military at age 18 and ended up disabled and only was in the military for about ten months, contracted epilepsy, has been a disabled veteran since, and my question is, does he still have to live at home until he's 21?

ACTING PRESIDENT FARLEY: Would you yield for another question, Senator Holland?

SENATOR DOLLINGER: I apologize,

Mr. President.

SENATOR HOLLAND: Yes, yes.

SENATOR DOLLINGER: You would still have to live at home?

SENATOR HOLLAND: I thought you were asking me to yield for a question. That's what he said.

SENATOR DOLLINGER: Again, I'm just trying to understand, Senator.

SENATOR HOLLAND: Yes.

SENATOR DOLLINGER: Does it apply for a veteran who is disabled for a short period of time but not a year, and they come back and they apply for veterans' benefits and they don't get those; they have to live at home in order to get the veterans assistance benefits?

SENATOR HOLLAND: I will look at the bill next year if we don't put it all the way through and look at 18 for this section of the bill also, Senator.

SENATOR DOLLINGER: Okay. Again, I apologize to the sponsor. I'm not out to quibble, but it just seems to me that that, as I

read it, wasn't the intent of what the bill was designed to do, but it clearly does that, and I don't hear you saying that you intended to take however punitive this bill is and apply those punishments to those who had been veterans.

SENATOR HOLLAND: Correct. You're right.

SENATOR DOLLINGER: Okay. The other question I have -- again through you, Mr. President -- if the sponsor will continue to yield.

SENATOR HOLLAND: Yes.

ACTING PRESIDENT FARLEY: Will you continue to yield?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT FARLEY: Yes, he will.

SENATOR DOLLINGER: Who is going to make all of these complicated judgments about when a child is going to live at home or going to be required to live at home?

SENATOR HOLLAND: It's going to be made by the individual Social Services

district commissioner.

SENATOR DOLLINGER: Okay. So, can I assume that there will be an application form that will list all of these exceptions?

SENATOR HOLLAND: Yes.

SENATOR DOLLINGER: Okay. If there is -

SENATOR HOLLAND: As the last section says, any other good cause, they can bring up one of their own problems that they may have. Yes, that's true.

SENATOR DOLLINGER: Well, I guess my question is, and it's -- this is a very complicated involvement of the Social Services Department in the structure of the family, trying to determine whether or not there have been any living parents, their whereabouts are known. This is an extremely complicated -

SENATOR HOLLAND: That's true, Senator, but what's happening now is that when somebody comes in and they're a young parent or home relief at, I don't know, 17 or whatever, or 20, that they were just right now breaking up

the family, whether the family wants to be broken up or not, we're creating a new living unit for that individual or that individual and the baby, and what we're trying to do with this bill is just encourage the families to stay together. That's all we're trying to do.

SENATOR DOLLINGER: I understand that. Mr. President -- and I appreciate that. I have no further questions.

Just on the bill, two quick issues -

ACTING PRESIDENT FARLEY: Senator Dollinger, on the bill.

SENATOR DOLLINGER: -- both have been raised in this. One is I'm very concerned about the veterans' assistance benefits. I think that clearly is inappropriate in this context and, two, I'm concerned because I think that what you'll have to do, the inevitable consequence of this is that you're going to have the equivalent of family police in a Social Services Department because someone will walk in, file an applica- tion and say that "I meet

one of these criteria and, therefore, that it doesn't apply to me", and a good and proper reviewer in the Social Services Department is going to say, "How can I go out and check all of those facts", and you're going to have the Social Services Department out trying to become a family police officer walking into families to try to find out, are there no living parents? Well, if they are living, maybe we know where their whereabouts are. Maybe we can send them to some other place. Why aren't children living with their parents? I think that's going to involve the state in an enormous quagmire.

I point out that there's no appropriation attached to this. This is going to be a huge and costly endeavor for local Social Service Departments as they go out and try to police the definition of families and the sanctity of families and the obviously older members of those families, and I think it will be a potential real problem.

So, because of the veterans' assistance issue and, frankly, because of what I

believe is the enormous complexity of getting the government involved in too many details of families -- I understand the intent is to encourage it, but I think you're going to end up with a family police department that will be in trying to figure out when these conditions occur, when they don't occur, because eligibil ity for independent benefits will depend on it.

The other thing about the bill that I'll just close with is, it says that the benefits then get paid to the adult -- for the child that lives at home, the benefit gets paid to the adult. What's to ensure that the adult will actually transfer the benefits for the child and the grandchild? I'm not so sure that that's addressed in the bill either.

I appreciate the intent, but I think that the draftsmanship at this stage doesn't solve the problem that the sponsor intends to solve, and for that reason, I will be voting against the bill.

ACTING PRESIDENT FARLEY: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

While this debate has been going on, I looked into this veterans' assistance benefits a little bit, and I discovered that members of a veteran's family, spouse, children, so on, are eligible for benefits when the veteran has been disabled or killed, and then I read the bill and, as Senator Dollinger brought out, it says that unmarried, under 21 recipient of veterans' assistance benefits has to live with a relative, guardian or an adult-supervised home, but looking into veterans' assistance benefits, to qualify for them, you have to establish as a prerequisite that there is no legally responsible adult who will support you, no parent, guardian. So you can't even get the benefits until you've already established that you don't have a parent or a guardian that you can live with who will support you, and I thought -- and Senator Dollinger covered the instance of a veteran. Senator Holland seems to think there's no way they could have been

wounded before they were in the service a year, but, regrettably, that's not so, but I started to think about a veteran's widow who is no longer married because the veteran is deceased, who could well be 19 or 20, who could end up - could have actually been living at home within a year because of whatever reason, the veteran was overseas, and then ends up, in order to get benefits, has to go -- because whatever happens, parent or guardian won't support her or him, has to go into an adult supervised residence. How demeaning.

I can't -- I don't understand what the purpose of this bill is. Some of it, I at least can see the purpose but I think, with all due with respect to Senator Holland, Mr. President, this bill goes far afield. It misses the mark. It certainly misses the mark with regard to veteran benefit assistance for relatives who can't even apply for the benefit unless they demonstrate there's no adult responsible for them who's willing to support them.

I would really call upon Senator Holland to perhaps set this bill aside and take another look at it. I don't think we want to be on record voting for this with some of the ramifications involved.

ACTING PRESIDENT FARLEY: Senator Holland, if we could just hold it up for a moment, the stenographer has to change her tape.

Senator Holland.

SENATOR HOLLAND: Senator Connor, I think you're just confusing the issue here a little bit. If there was an existing family, there's no intention to move them back into another family. We don't intend to do that. If there was no parent, then we might ask that the grandparents do that, but an existing family, we're not doing that and this bill doesn't intend to do that.

ACTING PRESIDENT FARLEY: You can read the last section.

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

shall have become a law.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FARLEY: Senator Paterson, to explain his vote.

SENATOR PATERSON: Mr. President, I haven't agreed with all of the bills that I have witnessed today, but I do certainly understand the intent of them, but in spite of the discussion this afternoon, I still don't understand the intent of this bill.

Just from a practical aspect, the attempt to encourage a family to stay together is laudable, but I do not understand why a person who would be receiving public assistance at this young age would even be interested in leaving a family situation except that statistically, overwhelmingly, the number of times that they do is because they are running away from some kind of domestic disturbance, and so rather than rewarding the individual for trying to establish at least that independence,

we are actually discouraging it in favor of the value of family unity, assuming a fact that is not in evidence, which is that the family is a friendly environment.

So most respectfully, Mr. President, I vote no on this bill.

ACTING PRESIDENT FARLEY: Senator Paterson in the negative. Results?

THE SECRETARY: Those recorded in the negative on Calendar Number 706 are Senators Connor, Dollinger, Espada, Gold, Leichter, Ohrenstein, Smith, Solomon, Stavisky, Waldon, also Senator Mendez. Ayes 46, nays 12.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 708, by Senator Daly, Senate Bill Number 7477-B, an act to amend the Social Services Law, in relation to requiring an address as a condition for receiving assistance.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Some body asked for an explanation.

Senator Gold asked for an explanation, Senator Daly.

SENATOR DALY: Yes, Mr. President. This bill was drafted after an incident in New York City where, according to an article from the New York Times, when 1800 welfare recipients in Newark were checked, 425 or 23 percent were listed with the same name and Social Security numbers in Manhattan at the same time from 1991 through 1993. As a result of the investigations that were initiated, 21 Newark residents were charged with grand larceny and using false documents because of welfare fraud.

Again, I must say, Mr. President, that that number, that high number, 23 percent of the 1800 checked would indicate that -- to me, that fraud is, indeed, a problem and it's more than just one or two percent trying to beat the system.

This bill would require that

every employable home relief recipient -- I'm sorry, I'm flipping to the wrong page. That when applying for assistance, an applicant must provide the district with an address. The address can be a conventional residence or if the person is homeless, the address can be an emergency housing such as a homeless shelter. It also allows the commissioner to deem appropriate the site selected by -

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

SENATOR GOLD: I'm sorry. I want to ask a question but I don't want to interrupt the explanation.

SENATOR DALY: That's fine. I'm almost finished.

ACTING PRESIDENT FARLEY: Senator Daly, would you yield for a question?

SENATOR DALY: (Cont'g) And because of the federal -- federal law where we cannot and should not deny anyone homeless any assistance, the commissioner is given the power to deem any site appropriate for the purpose of

this subdivision.

SENATOR GOLD: All right. Would the Senator yield?

ACTING PRESIDENT FARLEY: Will you yield, Senator Daly?

SENATOR DALY: Yes, Mr. President.

ACTING PRESIDENT FARLEY: Yes, he will.

SENATOR GOLD: Senator, you say in your language, "a public shelter or such site that the district commissioner shall deem appropriate for the purpose."

SENATOR DALY: Yes. We give that judgment call, Senator, to the commissioner, again, to meet the federal regulations. We're trying to tighten up the law. I have to think that we will tighten it up. If you will check very frankly now with DSS, you'll find out that a person need not have an address to collect welfare, that all they must do is show proof of residency in the county of application and a letter from someone in that county is sufficient

as far as DSS is concerned.

SENATOR GOLD: Will you yield to a question, Senator?

ACTING PRESIDENT FARLEY: Senator Daly, would you yield for another question?

SENATOR DALY: Yes, Mr. President.

SENATOR GOLD: When you say "district commissioner", Senator, who is the district commissioner you're referring to, federal or state?

SENATOR DALY: Pardon me?

SENATOR GOLD: Federal, state, city, county?

SENATOR DALY: We're referring to the city and county.

SENATOR GOLD: Fine. Now, Senator, my understanding is that under federal law, somebody who meets the eligibility require ments for Medicaid, for example, must be given it even if they live on a park bench.

SENATOR DALY: That's right. That's why we use the term -- that's why we use

the word "site" in the bill, Senator Gold.

SENATOR GOLD: Well, Senator, this is my question. Supposing you have a district commissioner, and the district commissioner is under pressure. They say, "My God, we have homeless people living on our park benches. I'm going to get them off the park benches by determining that a park bench is not an appropriate site."

SENATOR DALY: Yes. Very simply, Senator, in that case, he would be in violation of the federal -- of the federal regulations.

SENATOR GOLD: Well, Senator, if you would yield to a question. That's easy to say, but he doesn't, and then people don't get it, and then people have to go to court. Why don't we just -- Senator, what I don't understand is why you are offering us language which allows a district county commissioner to make a determination instead of putting in the law, language that would put us in compliance with the federal law?

SENATOR DALY: Frankly, because

the federal law states that eligible individuals without a fixed address or permanent dwelling must receive AFDC on a regular and consistent basis, and the state must provide methods to ensure that, and that's why we give so much power to the district commissioner because you realize that under the federal law, we cannot deny any homeless person the assistance.

SENATOR GOLD: Will the Senator yield to a question?

SENATOR DALY: Certainly.

ACTING PRESIDENT FARLEY: Yes, he will.

SENATOR GOLD: Senator, aren't we also talking about finger imaging to try to eliminate fraud in a lot of these cases?

SENATOR DALY: Yes, I understand we are.

SENATOR GOLD: Well, Senator, if we have a finger imaging program, doesn't that take care of the fraud -- wouldn't that take care of the fraud problem you were worried about?

SENATOR DALY: I think it would help immensely, certainly. I'm very much in favor, as you know, of finger imaging. The fact is, Senator, that we do not have that at the present time.

SENATOR GOLD: Yeah. On the bill, Mr. President.

ACTING PRESIDENT FARLEY: On the bill, Senator Gold.

SENATOR GOLD: Mr. President, the problem I have with the bill is a simple one. The federal law requires people to be eligible for a program whether they have an address or they don't have an address.

There's a -- there's some terrible old jokes and the bottom line of the jokes is everybody's got to be somewhere, but we know everybody's got to be somewhere, but to allow a county district commissioner to determine where people can be when, in fact, the federal law does not make any such requirement and, therefore, to set up a conflict between the local commissioner -- as a matter of fact, I can

see situations where the local commissioner will start to put pressure on homeless people and almost use this law as a zoning mechanism, and the point is, we're not allowed to do it. If we're not allowed to do it, we shouldn't do it.

I don't -- I can understand trying to cut through it. I understand we have been talking about proposals. I have even been told that there may even be some breakthrough on negotiations on a finger imaging, I don't know, but this particular piece of legislation, I think just puts us in a very difficult situation as it applies to federal law. I think Senator Daly acknowledges that, so I don't know why you want to set up a confrontation to begin with.

SENATOR DALY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Daly.

SENATOR DALY: I do acknowledge that, Senator, that we have to work within the context of the federal -- that's what we've tried to do with this bill, and I'm not saying we've closed the hole completely, but we've

tightened it. We've tightened as best we can and still be in compliance with federal regulations.

If someone came up with better language so we can tighten it even more, I would be happy to work with them and improve it.

SENATOR GOLD: Lay it aside.

SENATOR DALY: No. You have the language available for improvement?

SENATOR GOLD: Excuse me, Senator, if that's a question.

ACTING PRESIDENT FARLEY: Wait a minute. Hold on. Senator Daly, you have the floor.

Senator Gold.

SENATOR GOLD: The answer is that I'll work with you on the language. You just said, Senator -

ACTING PRESIDENT FARLEY: Wait, wait.

SENATOR GOLD: -- you're willing to work with people, so I said, "Fine. I'll work with you. Lay it aside."

SENATOR DALY: Mr. President, I will be happy to work with Senator Gold on the chapter amendments of this bill, and I hope we can come up with a better one.

But for the time being, Mr. President, since this is the best bill that we can put before this house at this time, I move its adoption.

ACTING PRESIDENT FARLEY: Read the last section.

Senator Dollinger, do you wish to speak to the bill?

SENATOR DOLLINGER: Yes. Would Senator Daly yield to a question?

ACTING PRESIDENT FARLEY: Senator Daly -

SENATOR DALY: Yes, Mr. President.

ACTING PRESIDENT FARLEY: - would you yield to a question from Senator Dollinger?

SENATOR DALY: Yes, Mr. President.

SENATOR DOLLINGER: What is the basis for the minimum -- the anticipated minimum savings of $1 million?

SENATOR DALY: Excuse me, Mr. - what part of the bill are you referring to?

SENATOR DOLLINGER: I think in the fiscal implications in the bill it talks about a minimum savings of $1 million.

SENATOR DALY: Well, the $1 million I mentioned before was what they meant when they found those people in New York City that were coming across from New Jersey and collecting welfare in both states, that -- in that particular instance, New York -- for those violations cost New York State over $1 million.

SENATOR DOLLINGER: Okay.

Mr. President, on the bill.

ACTING PRESIDENT FARLEY: On the bill, Senator Dollinger.

SENATOR DOLLINGER: Again, this is another one of these measures that I under stand the intent of. I think there might be some savings. I'm not sure it comes out as $1

million, but the reason why I stand up on this bill is, I wonder whether this will actually accomplish the goal of what you're trying to accomplish, and it takes me back to one of the earliest days as a lawyer, when I met a client who was known as a "paperhanger", and a paper hanger, at least in downtown Rochester, meant that what they did is they went to residences, to mail boxes and stole benefit checks. They walked out with welfare checks or other forms of checks, Social Security benefits. This man was in the profession of forging signatures, taking them out of mail boxes, forging signatures, discounting the checks and then passing them around, and he was known as the paperhanger in the neighborhood.

To some extent, if you put a residence on it, it has to go to a residence or it has to go to a place. I think you may encourage that kind of activity. If it goes to a post office box, at least you're assured that the person to whom the benefits are directed, will actually get them because they'll have to

come in and show proof of who they are in order to get them out of the post office box.

I admit that it doesn't solve the other issue of whether or not somebody from out of state is making that application, but by using mail boxes or the postal system, you at least have some assurance that the person whom the check is made out of -- out to will actually get it, instead of allowing little paperhangers like there are in the city of Rochester from stealing the checks, so -

SENATOR DALY: Mr. President, if the Senator would yield?

ACTING PRESIDENT FARLEY: Would you yield to a question by Senator Daly?

SENATOR DOLLINGER: I will.

SENATOR DALY: You realize, Senator, that the bill does allow -- does allow your checks to be mailed to post office boxes. We don't prevent -- we don't prohibit that with this legislation. As long as the commissioner is satisfied with the site that the applicant has put in his -- in his application, the check

can be mailed to the post office.

SENATOR DOLLINGER: Okay. I appreciate that, Senator. I -- again, Mr. President -- as I've said on a number of his other bills I'm going to support this bill, but I think, again, you get the local Social Services Department involved in very complicated decisions of where these people are applying from, the verification of the information on their applications, where they come from, where they live, where they reside. That's going to be more and more complicated. We're putting further and further responsibilities on our Social Service Department, which is going to lead to additional staff.

I hope at some point when we perhaps get these bills in a position where they're approved by both houses and sent to the Governor, we'll send an appropriation along that provides the additional staff to really make this thing work which, I think, is the Senator's intention.

SENATOR DALY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Daly.

SENATOR DALY: May I sum up on the bill, unless one of my colleagues wishes to add to the discussion.

Summing up on the bill, Mr. President. The thrust of this bill is to save the state and the federal government money. Just that one little incident in New York City should indicate that there is a great deal of fraud going on by the use of -- of different addresses, different locations, and that we should do everything we can to try to reduce it. I don't submit this as the -- the final solution. I'm saying to you that this is the best we could come up with at this time.

If there are any other ideas out there which would be an improvement on this, we would be most happy to take them under advisement and work with you on them.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 708 are Senators Babbush, Espada, Gold, Mendez, Montgomery, Ohrenstein, Smith, also Senator Connor, also Senator Waldon.

Ayes 50, nays 9.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 799, by Senator Holland.

ACTING PRESIDENT FARLEY: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

I would like to -- unanimous consent to be recorded in the negative on Calendar Number 706.

ACTING PRESIDENT FARLEY: Without

objection.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT FARLEY: Senator Babbush.

SENATOR BABBUSH: Can I have unanimous consent to be voted in the negative on Calendar Number 289, 705, 706?

ACTING PRESIDENT FARLEY: Without objection.

Senator Present -

SENATOR BABBUSH: Excuse me, 704. If I had been in the chamber -

ACTING PRESIDENT FARLEY: 704. It will show, had you been in the chamber, you would have voted in the negative.

SENATOR BABBUSH: Thank you.

ACTING PRESIDENT FARLEY: Regular order.

THE SECRETARY: Calendar Number 799, by Senator Holland, Senate Bill Number 736, an act to amend the Social Services Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Senator

Holland, an explanation has been asked for by Senator Gold.

SENATOR HOLLAND: Mr. President, this is the Wisconsin LearnFare program and similar to the program that the Governor of this state recommended two years ago and then withdrew from.

It basically says that any young people who are on welfare, 20 years of age or under, who have not completed their schooling - high schooling or GED would be required to go to school. It is a demonstration program, would be operated in 15 school districts throughout the state in both rural and urban areas, and is extended for 36 months.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Would the Senator yield to one question?

ACTING PRESIDENT FARLEY: Would

you yield for a question?

(Senator Holland nods head.)

SENATOR GOLD: Is this the identical bill from last year, Senator -

SENATOR HOLLAND: Yes, sir.

SENATOR GOLD: -- where Senators Connor and Espada and Galiber and Gold and Hoffmann and Leichter and Markowitz and Mendez and Montgomery, Ohrenstein, Onorato, together with Oppenheimer, Santiago, Smith, Solomon and Waldon all voted in the negative?

SENATOR HOLLAND: Those are the ones.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 799 are by Senators Babbush, Connor, Espada, Gold,

Hoffmann, Mendez, Montgomery, Ohrenstein, Santiago, Smith, Stavisky and Waldon.

Ayes 47, nays 12.

ACTING PRESIDENT FARLEY: The bill is passed.

Regular order.

THE SECRETARY: Calendar Number 800, by Senator Holland.

(Whereupon, Senator Kuhl was in the Chair.)

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 801, by Senator Daly, Senate Bill Number 5406A, an act to amend the Social Services Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Daly, an explanation of Calendar Number 801 has been asked for by Senator Gold.

SENATOR DALY: Mr. President. This is an adaptation of the so-called Bryant bill, a bill which was passed in New Jersey which eliminates the increments in public

assistance benefits for which a family receiving welfare benefits would otherwise be eligible as a result of birth of additional children.

The second section of the bill would add to the disregards, federal disregards, so that a person in this program or, I should say, who is in this situation would be able to earn and keep more money.

SENATOR GOLD: Senator yield to a question?

ACTING PRESIDENT KUHL: Senator Daly, do you yield?

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR GOLD: Senator, are there any exceptions at all for a person where they are on welfare, and they have a child to be able to get more money. Are there any exceptions in your bill?

SENATOR DALY: No. I'm sorry, do you mean under this bill, under the existing -

SENATOR GOLD: Under this bill.

SENATOR DALY: No. Which type of -- explain what you mean.

SENATOR GOLD: If the Senator will yield to a question.

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

SENATOR DALY: Yes.

SENATOR GOLD: If a woman is on welfare and is impregnated by rape, under your bill, are you suggesting that she get the abortion? I'm sure you are not suggesting she have the abortion, Senator.

SENATOR DALY: No, I'm not, Senator.

SENATOR GOLD: But if she doesn't have the abortion, she doesn't get any additional benefits.

SENATOR DALY: That's correct. She can -- under the bill -- you're right, Senator, the question you asked.

SENATOR GOLD: Can I ask you, Senator? You say this bill came from New Jersey.

SENATOR DALY: That's where it originated, yes. It is now the law in New Jersey, signed by a Democratic governor by the name of Florio, and also, by the way, the bill was prepared and sponsored by a Democrat Assemblyman by the name of Wayne Bryant.

SENATOR GOLD: Will the Senator yield to just one more question?

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

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR GOLD: Senator Holland, earlier, put in a bill that I think he called the Wisconsin plan. Maybe that was Learnfare or whatever. Does New Jersey have the Wisconsin plan?

SENATOR DALY: I'm not sure, Senator.

SENATOR GOLD: All right. On the bill.

ACTING PRESIDENT KUHL: Senator

Gold on the bill.

SENATOR GOLD: I think I should congratulate Senator Daly and Senator Holland for what is a massive research job. They have gone to Jersey, to Wisconsin. They've gone all over the country to find anything that you could apparently characterize as clamping down on poor people. And I just think it's really ridiculous.

Senator Daly, when we had one of your other bills, you said, "Gee, we can talk about language," but you won't lay it aside. Here's a situation where I would say the predominant number of votes, when it comes to the issue of abortion come on your side of the aisle and, God forbid, some woman on welfare, in a very poor neighborhood -- she would like to get out of there. She'd like to be living on easy street. But, God forbid, she gets raped. You're saying, "Lady, abortion is terrible. Have the child. But you can't get any more money."

So now the woman has to say, "My

God, I've been raped. If I get an abortion, they tell me it's bad. If I have the child, which they tell me I'm supposed to, what do I do? I can't afford."

And maybe, Senator Daly, if you had thought out this bill, you would have said, "Well, all right if their certain kind of circumstances."

And then, of course, Senator Daly, the absurdity of it all is that in this country and in this state, we are not going to tell people to starve to death, and I don't know what you are doing. I mean you are not really going -- are you going to send these people into homeless shelters? I mean what are we going to do?

These bills are not thought out. Senator Daly, whether you intend it or not, these bills are mean-spirited. This is a mean spirited afternoon, and I don't know why we're doing it. I really don't.

I heard -- yesterday, I mentioned that we're getting down near the end of session,

and the newspapers are telling us not to worry about the IRS problem, not to worry about draft problems. Forget about the illegal immigrants. We need crime -- we got to do something about crime.

Well, this morning on the radio I heard that Senator Marino must have been listening, because I hear he held some conference today about a crime package. I'm delighted if we're going get some kind of a significant crime package, but let's do it.

To spend five hours today, so far, and we haven't even broken ice on this, on bills which are nothing more than mean-spirited, bills which take on the poorest, most unfortunate people in our society and put them through a bashing is disgusting.

Now, Senator Daly, I don't mean that on you personally.

SENATOR DALY: Senator yield?

SENATOR GOLD: No, I'm not yielding.

ACTING PRESIDENT KUHL: Senator

refuses to yield Senator Daly.

SENATOR GOLD: I don't mean that you are that kind of a person. I think you're one of nicest, gentlest people around, and I don't understand why we're doing this. It makes no sense. These are not agreed-upon bills. These are not bills that were going to stop fraud. These are bills that are not going to do anything. They are bills, for the most part, that have not been thought out. They need significant amendment even for them to be thrown forward as ideas.

When I first came to this chamber, for one year I was on the Codes Committee; and to tell you the truth, I got off the Codes Committee years ago, and maybe -- I hope today it's run differently. But we had people who would go to the Codes Committee; and if it came -- like a bunch of crossword puzzle addicts, every bill, one would take a look, and they found a comma that they would change better than the next guy's comma, and this one had a word. Well, we've gone from that to legislation

today where, if you're knocking the poor, if you're trying to set up the poor as your scapegoat for the day, we don't even care about commas, we don't care about words. You've heard one deficiency after the other on these bills, and it doesn't seem to matter to your side. They got errors in them? So what? We know we'll see them again because the poor will be around next year, and we can beat them up again next year.

That's a heck of a way to legislate. That's a heck of a way to legislate. Even in the abortion legislation that comes out, we see somebody, somebody along the way says, "God, all right." If somebody gets raped, maybe we'll make some exceptions here, there, or the other place.

In your bill, Senator Daly, you don't even care about that. You don't care about that, either. Enough of this business. If somebody is on welfare, these people just ought to stop having kids, that's all. No matter how it comes. I don't care whether they

are Catholics. I don't care what it is. I don't care what the religious beliefs are. If you are on welfare, you lose your rights. You better have an address. The federal law says you don't need one. Well, you better have an address. And you better keep out of bed. You better put on a chastity belt or something, lady, because I'm telling you we don't care how that kid got started, we're going to take it out. That kid ain't eating.

I really think we're going too far. We really are, five hours of this so far today. And I would say to my colleagues on this side of the aisle, we didn't create this calendar today. We didn't create it. The Republicans put it out. You want to have your day in court on this.

I would encourage everybody on this side of the aisle, let's spend two hours, three hours on each of these bills. Let's talk them out. Let's get every innuendo out there. Let's tell everybody what each of these things means, because, otherwise, I don't know how you

stop the floodgates of nonsense.

This bill is aimed at women who happen to be receiving social services and get pregnant, and all of sudden we say these people are disgusting. We shouldn't have to give them any more money. If the kid starves, the kid starves, what the heck.

I can't believe these bills, I really can't. And, Senator Daly, yes, I think you are a terrific guy, and I feel ashamed for you that you get the job somehow of carrying these bills.

SENATOR DALY: Mr. President.

ACTING PRESIDENT KUHL: Senator Daly.

SENATOR DALY: Mr. President. Don't feel ashamed for me, Senator Gold. I'm doing what I feel is right. Right. Perhaps you're not concerned about the fact that 68 percent of the children born in inner cities are born out of wedlock; that now 30 percent of the children born in this country are born out of wedlock. And I submit to you -- I submit to

you, Senator Gold, there are many who believe as I do that the fact that you will increase - that you increase the benefits to women who have received aid is one of reasons. You might not buy that. I do.

Certainly, also, Senator Gold, I submit to you that I'm not the only black hearted individual who thinks this should be done. Your President does. Governor Clinton proposed this three months ago. Mr. Bryant, the man who drafted the bill and pushed it in New Jersey, he is a Democrat with a liberal voting record who represents the state's poorest city, Camden, where 70 percent of the residents are on some form of public assistance.

Let me tell you what Mr. Bryant says. It teaches all the wrong values. I mean it tells you not to work. Work is bad. It tells you if you are productive it is wrong. It teaches folks that we reward you if in fact you have additional children.

This bill does take into consideration, Mr. Gold -- Senator Gold, that

perhaps they do need more money because it changes the disregards. It adds to the earning power of that woman who is on ADC. She can earn and keep more money as a result of this legislation. A 50 percent disregard over the existing, with the additional disregard in the federal rules and regulations.

Senator Gold, this is not a mean spirited piece of legislation. I take strong exception to that. It wasn't an easy piece of legislation for me to put together because, too, I care. But I submit to you, where else in this country does a woman receive more money because that woman is pregnant? No other place. Only in welfare.

Mr. President. Oh, I'll stop for the time being.

ACTING PRESIDENT KUHL: Chair recognizes Senator Jones.

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

ACTING PRESIDENT KUHL: Senator Daly, do you yield to Senator Jones?

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR JONES: Senator Daly, I just want to clarify for myself the way I understand this. If the woman has another child, it would not change the fact she would continue to get food stamps, she would get WIC if she were eligible, all the things to care for the child, just not an increase in cash benefits.

SENATOR DALY: That is exactly right.

SENATOR JONES: Is that correct?

SENATOR DALY: That's correct.

SENATOR JONES: On the bill, then.

ACTING PRESIDENT KUHL: Senator Jones on the bill.

SENATOR JONES: This is clearly not a day that anyone is going to leave here feeling really great about themselves or about, I guess, the world or the state of our country,

and it's clearly a day that your heart has to part company with your brain. At least that's the way I'm personally feeling about this.

But in this particular case, my whole concern is the child, and I have got to concur with my colleagues that except for the cases that Senator Gold mentioned, a case of rape or something like that, in most cases we're talking responsibility. And I have to agree that all of us have had to be responsible and think, "Can we provide for a child?" And if we can't, then you don't go ahead and have one.

So in this case, I have to come down on the side of there does need to be some responsibility on the part of the woman, or whoever is involved here. I just have to express my concern, and I think I've alleviated that, that the child is going to be taken care of because clearly the child is not responsible for irresponsible acts on the part of either of their parents.

So, you know, I have to support this bill. I think it makes sense. I think we

have to do something. And I can even relate an experience. I happen to have a member of my family who works for a probation department and related to me a story, not too long ago, of a situation, a client that she has who has two children that were taken away from her by social services because of abuses, and the person now comes to see her pregnant. And, you know, I can assure you that my daughter didn't find that acceptable as her probation officer, and I'm sure social services didn't either.

So, you know, I know there are good needy people out there, and I can assure you I don't feel good about many of these things we did today, and I'm hoping that the system will still be able to protect those who need it, but I'm going to have to support this bill.

ACTING PRESIDENT KUHL: The chair recognizes Senator Espada.

SENATOR ESPADA: Thank you, Mr. President. Will the sponsor yield to one question, please?

SENATOR DALY: Certainly,

Senator.

ACTING PRESIDENT KUHL: Senator Daly, do you yield?

Senator Daly yields.

SENATOR ESPADA: Thank you, Senator Daly. The justification of this bill speaks to some mainstreaming of values, that is, that those on public assistance should be - with respect to widely shared values be mainstreamed because you or I, who are not on public assistance and there is a new child in our household, we don't automatically get any increment from anywhere, so that they should get used to this kind of system, also. There is no automatic increment anywhere. And if they want to get a job, then, of course, some of that new income will be allowed to the family budget. That essentially is your bill.

SENATOR DALY: Basically, Senator, what we're trying to do is to give responsibility, inculcate responsibility to people. They have the responsibility of preventing birth if they want to and they should

not be given additional benefits because they give birth. I think it's the idea of responsibility, being responsible for one's life.

And as I said early on, Senator, this is tough love. This is not easy legislation to carry, but somebody has to care. Somebody has to do something. We have to change the system.

SENATOR ESPADA: With all due respect, Senator, I didn't get to my question.

The question, if I may, Mr. President, was for those and I would imagine - and I'm asking -- you are one of them that really opposes abortion as a choice, as an option for women -

SENATOR DALY: Yes.

SENATOR ESPADA: And your answer is yes.

SENATOR DALY: Yes, I do.

SENATOR ESPADA: I'm having a difficult time with respect to this issue of mainstreaming of values with the implicit

hypocrisy and contradiction that we would go in a very passionate way and speak for that fetus and represent that fervently and articulate on its behalf and, then, when it does come into the family household, then deliver a message that you get no help from the public from the very same people that fight for that fetus and now it's a baby in a household with no milk or support.

I'm having trouble reconciling the value system that accounts for both of those scenarios.

SENATOR DALY: The family, the mother, the father if there is a father in the house, the mother if not, has a responsibility in addition to the state. That's the point we're making. We're not taking Medicaid or health services away from the child. What we're saying is if you decide -- if you have a child -- after you are on welfare now. If you have two children when you go on welfare, you receive the increments for two children or three children if you go on welfare with three. After

that, that's it. You are frozen at that level. Note: You are frozen at that level. And if you are going to have another child, realize that you are not going to receive more monies from the state for that child. That's what we're saying, and I think it's two-fold.

By the way, in New Jersey there was a reduction of 10 percent in births on welfare after this bill became law.

SENATOR ESPADA: But just -- if I may, Mr. President. I want to press one more time.

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

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR ESPADA: Traditional family values and, in a sense, the societal value, our value, how do you feed that child, off getting no assistance, can't get a job for any number of reasons. We talked about child care, transportation. We talked about a lot of

issues.

Let's just assume, if you will grant me this assumption, that there are a lot impediments to getting some kind of part-time job for this young mother, how in the absence of some increase, incremental subsidy, how do they feed that child? And if the answer is, "We don't know; we don't care," how can we live with that?

SENATOR DALY: Senator, you get additional food stamps for the child. You receive additional food stamps. We do not deny them the additional food stamps, so the mother would receive more food stamps for the child.

Senator, again it's tough love. You have to do something to, as I said, add responsibility to one's life. The state has a responsibility.

In New York State, compare us to other states. We are an exceptionally generous state. But the point I made earlier on, I do believe that we have to have sanctions. We have to have punishments. Unfortunately, negative

motivation that you mentioned before that I mentioned also is a necessary tool, whether you like it or not, and not to use it is not only doing a disservice to New York State and its tax payers but to those people who need that first push.

Often, people need the first push, and if the state can give them that and say to them, "Now you got to go on your own. You've got to contribute to your own welfare. You have to contribute to your child's welfare." As I said, we put in the bill where you can earn more money so that the family can have more income working 10, 20, 24, 30 hours a week. We are cognizant of that. That was in the New Jersey legislation also, and we certainly want that in ours.

SENATOR ESPADA: Thank you for indulging my questions. Just one more if I may, Mr. President.

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

SENATOR DALY: Certainly.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR ESPADA: Obviously, there are a number of these measures today, and maybe in my going in and out of the chambers I might have missed one, but if we are to be even-handed and if from time to time, as you say, people need a push, wouldn't you characterize this whole onslaught, this whole package today as a bit too punitive.

I mean I can't find one that would add a carrot. It's mostly a pounding that we're taking here today.

SENATOR DALY: No, Senator. May I answer that? We haven't gotten to those bills yet. I'm carrying two bills, with the FIT bill -- we call it FIT, family in transition - and the TTI, transition towards independence. Those bills are new programs based on the CAP program. We use the CAP program as the base.

What we're trying to do with those bills -- I'm getting ahead of myself here. We're trying to break the generational

gap. What concerns us is the fact that, as I said earlier on, 58 percent of the people on welfare now are from welfare families, that welfare is becoming a way of life in this country, and we have got to do something. Tough? Yes, tough. We have to do something to break it. Those bills will show you where we will add services. We, again, allow people to earn more money to build up their own self independence, so those bills will be coming up later on.

SENATOR ESPADA: We look forward to a close examination of those bills.

Thank you so much, Senator.

ACTING PRESIDENT KUHL: The chair recognizes Senator Mendez. Don't see Senator Mendez. Senator Dollinger is next on the list.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President. Will the sponsor yield to one question?

ACTING PRESIDENT KUHL: Senator Daly yield to Senator Dollinger?

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR DOLLINGER: I'm just concerned about how this bill plays out in the situation we discussed a couple of moments ago about the requirement that children live home with their parents.

SENATOR DALY: I'm sorry. Senator, I can't hear you. Would you speak a little louder.

SENATOR DOLLINGER: Excuse me. I'm concerned about how this scenario works out when the mother of the child lives at home with her parents as one of the other prior bills requires. If the child has another child, has a child, is it the mother who would then lose the extra benefits or is it the grandparent that loses the extra benefits.

SENATOR DALY: I don't know, but you have lost me, Senator. Go back and work through it again.

ACTING PRESIDENT KUHL: Senator

Gold.

SENATOR GOLD: Point of order. Is Senator Dollinger allowed to try to make logic out of these bills as we pass them like that and asking questions? No, no, no.

ACTING PRESIDENT KUHL: Your point is not very well taken, Senator Gold.

Senator Dollinger on the bill.

SENATOR DOLLINGER: Again to the sponsor.

ACTING PRESIDENT KUHL: Senator Daly, do you yield?

SENATOR DALY: Yes, I do.

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR DOLLINGER: In the prior bill we talked about children living at home with their parents.

SENATOR DALY: Yes.

SENATOR DOLLINGER: And the question came up about what happens when a child in turn has a child. If under this bill you would cut off the additional payment to the

mother of the child but the mother is living at home with the grandparent of the child, aren't you really punishing the grandparent then because there is another mouth to feed, but yet there aren't as many benefits to go around?

SENATOR DALY: The grandparent then would receive additional food stamps for the child, so the food stamps would be increased.

SENATOR DOLLINGER: They would still be under the WIC program?

SENATOR DALY: That's possible, Senator. Let me say yes.

SENATOR DOLLINGER: Just one other question for clarification.

ACTING PRESIDENT KUHL: Senator Daly, do you continue to yield.

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DOLLINGER: This would not affect the eligibility of the child for Medicaid assistance for health care assistance.

SENATOR DALY: No.

SENATOR DOLLINGER: Again, through you, Mr. President, if Senator Daly will yield to one other question.

ACTING PRESIDENT KUHL: Senator Daly, do you yield to one more question?

SENATOR DALY: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR DOLLINGER: Is there anything that prevents a woman from deciding to go off welfare for a period of time, and then reapplying with an additional child in a new application in which they say, "I now have a child that I need coverage for"?

SENATOR DALY: No, it would not. We talked about that scenario, interestingly, Senator. And as you note, at the end of the bill, the -- I have to find it myself. Somehow I've lost it in this mess I have on my desk.

If you look at line 18, the Commissioner -- well, probably 15, "The

Commissioner shall apply for any waivers of federal Social Security Act and other federal law," and also 4, "The Commissioner adopt rules and regulations to implement the provisions of this section. Such regulations shall provide for women who are pregnant at the time of the application for public assistance." All right?

SENATOR DOLLINGER: I guess the only other issue, though, is if they wait until after they deliver the child and then they apply, they're applying with the child.

SENATOR DALY: That's right.

SENATOR DOLLINGER: So we may get into a situation where we make this law where we encourage women who are expecting children to take a period of time off of welfare so that when they file their first application over again -

SENATOR DALY: We give the Commissioner the power to develop the rules and regulations in that regard.

SENATOR DOLLINGER: I understand, Senator, but it seems to me you point in the

direction of -- if you put this system in place what you have done is you've given an incentive to women for a period of time, either just after they become pregnant to take a period of time where they are no longer going to take benefits. Then once they deliver the child, they apply for benefits saying, "I've already got a child."

SENATOR DALY: That's because, Senator, so many -- there could be extenuating circumstances that we feel we should not consider in the legislation. Rather, they should be considered by the Commissioner in his rules and regulations and in the implementation of this legislation.

SENATOR DOLLINGER: Certainly you don't foresee a point -

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

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DALY: That's why we have

rules and regulations promulgated.

SENATOR DOLLINGER: I know, but you don't foresee a point at which the Commissioner would say, "I'm not going to cover anyone who has a child"?

SENATOR DALY: No. This legislation wouldn't allow that.

SENATOR DOLLINGER: On the bill, Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger on the bill.

SENATOR DOLLINGER: I think this is an interesting bill because it has a provision that I have lots of questions about that deals with the kinds of problems I just mentioned, and then it has what I think is a very good provision that allows particular recipients to earn income that will not completely, dollar for dollar, offset their benefits, disqualify them for benefits, which I think has some merit to it.

I'd simply point out one thing, and this is a difficult issue of why people have

children. But I guess one thing I disagree with in a general sense with what Senator Daly said about only if you are poor in the United States do you get more income if you are on welfare. Well, we do have exemptions under the federal and state income tax which apply, that when you have a child, you're entitled to an additional exemption for that child. That exemption is worth about -- if you're in the top tax bracket is worth somewhere between -- I don't know what the current exemption per child is. I think it's $1500. If you are in the 40 percent bracket, that's worth, oh, $600 or something, comparable to the $59 that you would get for an additional child.

So we do have a system in which maybe we don't reward children, but we certainly have a system enshrined in both our federal and our state tax laws which says that if you have a child the government is going to assist you in taking care of that child by creating an exemption which produces more wealth for you to take care of your child. So maybe it's -

SENATOR DALY: Mr. President. Will the Senator yield?

ACTING PRESIDENT KUHL: Senator Dollinger do you yield to Senator Daly?

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

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DALY: Are you familiar with the section of this bill which deals with the additional disregard that we put into this type of situation -

SENATOR DALY: Yes, I am.

SENATOR DALY: -- where someone -- let me finish the question. Where someone can earn literally and keep the monies that they would earn, which they can't do under any other situation in welfare?

SENATOR DOLLINGER: Absolutely. Mr. President, I think earlier in my comments -

SENATOR DALY: Thank you.

SENATOR DOLLINGER: Earlier in my comments, I mentioned that that was one of the

good things about this bill, that this combines a back page that says some good things about allowing recipients to earn income and not have them completely disqualified from benefits. I think that's a good provision.

It has the other provision which I find somewhat troubling. But I just wanted to point out to my colleagues that it's not just if you are poor that the government may inadvertently or intentionally subsidize your election to have children but, frankly, the middle class and the upper class also benefit from that same kind of approach because we have federal exemptions for children. And it seems to me that if we're going to have this debate, we ought to have it with an understanding that we subsidize the birth of children in certain income levels.

What this bill does is, I think, a departure from that to some extent. I think Senator Jones properly points out that Medicare will continue, WIC will continue, food stamps will continue. Frankly, I haven't made up my

mind yet, but this is one of those that there seems to be lots of sides and lots of dimensions to.

ACTING PRESIDENT KUHL: The chair recognizes Senator Waldon?

SENATOR WALDON: Thank you very much, Mr. President. Would Senator Daly yield to a question?

ACTING PRESIDENT KUHL: Senator Daly, do you yield?

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR WALDON: Senator, with food stamps, what kinds of items might a family on welfare purchase at the supermarket?

SENATOR DALY: You are aware - you are familiar -- are you asking me, Senator, what they can purchase now?

SENATOR WALDON: Yes.

SENATOR DALY: They can purchase the same thing that they purchase now. Food, things that are necessary for the child.

SENATOR WALDON: If I may, Mr. President?

SENATOR DALY: Anything that's necessary for the child.

ACTING PRESIDENT KUHL: Senator Daly continues to yield.

SENATOR WALDON: Would there be an ability with the food stamp money to purchase contraceptive devices?

SENATOR DALY: Pardon me?

SENATOR WALDON: Would there be an ability with the food stamp money to purchase contraceptive devices.

SENATOR DALY: Under Medicaid, the Medicaid income that they receive, they could purchase it under Medicaid, I'm informed by my staff. Diapers also can be purchased under Medicaid and contraceptives.

SENATOR WALDON: Okay. If I may, Mr. President. Would that be a prohibitive expense or nonprohibitive expenses?

SENATOR DALY: You have to make that judgment, Senator. Depends on how many

they need. You would have to make that determination how prohibitive it is. That's a judgment call. They can purchase the contraceptives under the Medicaid program.

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

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

SENATOR DALY: Certainly.

ACTING PRESIDENT KUHL: Senator Daly yields.

SENATOR WALDON: It is my understanding that there are various and sundry forms of contraceptive devices. In fact, when my youngest son was on his way to college he shocked me when out of the presence of his mother he wanted to ask me for a special favor. And being, you know, a worldly kind of guy, I said, "Sure. What is it?" And he asked me for this enormous sum of money -- at that time I thought an enormous sum of money. And when I was very pointed and said, "What the heck do you need it for?" and he told me. I said, "The

price of things have changed since I was a teenager."

I don't know what could be purchased -- are you blushing, Senator Daly?

SENATOR DALY: No, no, Senator, I'm not. Almost. Ten years ago, I might have but now I can take it.

SENATOR WALDON: The point I'm trying to make, and I will ask the question after is this could be a rather expensive procedure, purchasing of contraceptive devices. Would it be the pill? Would it be a condom? Would it be the diaphragm? Would it be the uterine device? I mean there are many ways to approach this situation.

And I'm worried that under your bill there is no proviso independent of Medicaid to accommodate this need.

SENATOR DALY: Well, even under existing law, Senator, really, it's Medicaid that covers the family planning services.

Let me read that section of the Title XVIII Social Services Rules and Regs,

"Family planning services mean the offering, arranging and furnishing of those health services which enable individuals, including minors, who may be sexually active to plan their families in accordance with their wishes, including the number of children and age differential" -- I'm looking at more reasons why my bill should pass, Senator, right now as I read this -- "including the number of children and age differential, to correct infertility, to prevent or reduce the instances of unwanted pregnancies. Such services include professional medical counseling, prescription drugs, non prescription drugs and medical supplies prescribed by a qualified physician or physicians assistant." So it seems to me, Senator, that that well covers any needs a woman on welfare might have for child planning.

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

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

SENATOR WALDON: Senator Daly -

thank you, Mr. President.

I appreciate your indulgence. I appreciate your patience. All of that was to get to where I'm going to be.

SENATOR DALY: I thought you were going somewhere.

SENATOR WALDON: There was a need to go around Robin Hood's barn to get to this. When Father Manion counseled my wife and I -

ACTING PRESIDENT KUHL: Senator Waldon, beg an interruption, would you, please?

I'm really interested where you are now in answering the question or asking the next question. I'm sure many people here are also, but I'm having a very difficult time hearing you.

So could we have a little order, please.

Senator Waldon. The floor is back to you.

SENATOR WALDON: Thank you, Mr. President.

When Father Manion, Tom Manion,

Holy Rosary in Brooklyn, counseled my wife and I prior to our marriage, he gave me a term that I used to think had something to do with basketball or dancing on the floor, and he told me, "Al, you are not Catholic" -- I am now - "but if you are to be a good participant in the faith that Barbara has lived by so long and so steadfastly, you must practice the rythmn method."

SENATOR DALY: Father Manion talked to my priest, too, because I got the same message.

SENATOR WALDON: Okay. And we did. And out of our loving relationship, we had three children. The point I'm making, Senator Daly, and the point I made with all of those other questions was is what about someone who absolutely and unequivocally believes it is their religious obligation to practice only this method of contraception, and what happens to them when they become pregnant under this legislation?

SENATOR DALY: As I said,

Senator, this bill does not discriminate. It does not take into consideration religious - nor should it -- beliefs. We have in the bill, as I said before -- I'm repeating myself, but I will because I think it's important. We have the section of the bill which says, "The Commissioner shall adopt rules and regulations to implement the provisions of this section. Such regulations shall provide for women who are pregnant at the time of application for public assistance."

Oh, I'm sorry. I'm rushing through it, I guess, but I'll slow down a bit.

SENATOR WALDON: Mr. President. There is some noise in the back. I'm having difficulty hearing any esteemed colleague.

ACTING PRESIDENT KUHL: Your point is very well taken, Senator Waldon.

Could we please settle it down. You are going to extend the length of this whole session and debate.

Please continue. Senator Waldon. Senator Daly.

SENATOR DALY: The bill states that once you are on welfare, any additional children, your grant is not increased because of any additional children, period. And even in that case, Senator, you're right. There will be no additional monies.

You know, very frankly, to be fair, there should not be if others are denied it. What we're trying to do, what they do gain, of course, as I said before, is the additional food stamps and the Medicaid coverage.

But what we're trying to do is to really inculcate a feeling of responsibility into all people. And if they have -- if they are going to give birth, they have the responsibility for that child. We have the responsibility of helping them, but we can only go so far.

And my problem is I think we go too far in that we make it easy. We encourage -- we encourage people to have children because of the increased aid they receive from the state, and I don't think that's right.

I'm reading here in an interview on "60 Minutes" with Mr. Bryant, who was the legislator in New Jersey who developed that bill and carried it successfully through the Legislature and Governor Florio signed it, and Mr. Bryant said, "No, no. The beauty is that we took nothing from no one. If you came into the system with children, they were all paid for."

In this bill that occurs. If you come in with three children, you are put at that level. If you have a fourth child, you stay at the same level. It is only if you elected - once you are in the system that you decided to enlarge your family. And I think it is fair that once you are in the system, we are going to ask that until you get to self-sufficiency that you not have additional children unless you are willing to go to work to help finance it. That's why -- I should say to pay for their rearing.

And that's why we have as a second part of the bill the ability to go to work and receive even more, because we add a 50

percent disregard to the existing federal disregard, so you can earn more money than you can -- and the other part of the welfare system.

SENATOR WALDON: Thank you very much, Senator Daly.

If I may, Mr. President on the bill.

ACTING PRESIDENT KUHL: Senator Waldon on the bill.

SENATOR WALDON: My colleagues, there are some in this chamber perhaps, besides myself, who though some degree believe that births are acts of divine intervention.

I know that Father Manion believed that, and I know that Barbara DeCosta Waldon believed that. And I find it very difficult to do anything that would punish someone for what may be in their perception an act of divine intervention, and I believe that this piece of legislation would inveigle the religiosity of certain people and is just too much of a burden, despite my belief in separation of church and state, for me to

participate in.

And so I will, again, for those reasons, personal though they may be have to vote in the negative on this bill.

ACTING PRESIDENT KUHL: Chair recognizes Senator Leichter.

SENATOR LEICHTER: Mr. President. Just very briefly, because Senator Waldon really made the point that I wanted to make.

I have heard that in some legislatures in this country there has been an effort to limit benefits for children that are born out of wedlock. I think this must be the first time to provide that even where children are born in wedlock that we here in New York State are going to say we're not going to provide benefits for that child, even though that child, as Senator Waldon pointed out, came because people were religious, followed their faith, practiced the rhythm method which, as we know, can lead to conception in spite of the intent of the people. And we're going to say,

"No, that child is going to be punished. That family is going to be punished."

It's unbelievable to me that you would put forth this sort of a bill that anybody could conceivably vote for it. I assume there will be some votes for it. I assume you my even have 31 votes, but I must say I think it's to the disgrace of the Majority that they would put forth a bill that have sort.

You talk in your memo that this legislation imparts the same set of values expected of people outside the welfare system to recipients of subject assistance. I don't know what value you are talking about, Senator Daly. I certainly hope it's not the value of this society. I thought the value of this society was charity, was care, was neighborliness, was an appreciation that when people had some difficulty, some problems, that we would help them. I would hope that one of values of this society is that we don't want children to go hungry, children to go without care; and to impose that sort of a punitive effect on

children that are born in wedlock is unbelievable to me.

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

SENATOR DALY: Is that a question to me?

SENATOR LEICHTER: No.

SENATOR DALY: Let me answer it, if I may.

ACTING PRESIDENT KUHL: Senator Daly, we have a list going. Next person on the list is Senator Nozzolio.

Senator Nozzolio would like to yield the floor to you.

SENATOR DALY: Would Senator Leichter yield to a question?

ACTING PRESIDENT KUHL: Senator Leichter, would you yield to a question?

SENATOR DALY: Would you believe, Senator, that the primary thrust of the bill is to help build responsibility into an individual taking charge of his own or her own life -- in this particular case, her own.

And I don't know, Senator, maybe you can tell me, how many families -- how many families are covered under AFDC? We can't find too many. Perhaps you can tell me.

SENATOR LEICHTER: Senator, I think the first part of your question was would I believe that the aim of this bill is to instill responsibility?

Not at all. The aim of this bill is purely and simply to try to reduce costs irrespective of the social harm and the misery that you inflict on people. I think that is purely and simply the intent. And to speak about instilling responsibility when you are talking of people who are in wedlock -

SENATOR DALY: I want to explain that to you, Senator.

SENATOR LEICHTER: Can I finish the answer, please? People who are in wedlock -- in wedlock, following all the values of their religion, and they have a child, and you are going to say we're not going to pay any assistance for that child. This may be a

family, Senator, where the father lost his job because the industry moved out of the state. He's tried to look for work. He is trying to do everything that he possibly can, but you are saying, if you have a child, if you have a mistake where you have a child, tough.

SENATOR DALY: Mr. President. Will the Senator yield? Will the Senator yield to one more question.

ACTING PRESIDENT KUHL: I Senator Leichter, do you yield to Senator Daly.

SENATOR LEICHTER: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DALY: Senator, do you know any other families under a similar situation, though not on welfare, receive more monies because they decided to have a child or accidentally had a child?

SENATOR LEICHTER: Senator, first of all -

SENATOR DALY: Do you or don't you?

SENATOR LEICHTER: I'm answering you, Senator. First of all, as Senator Dollinger pointed out, under our tax laws, yes, they will receive a benefit.

But, Senator, the point of the public assistance isn't, well, somebody has an extra child, we're going to give you money because we're trying to increase population. We give them money because there's a need. Need is the basis that we're dealing with, Senator. And if a child is born and the need exists, we have an obligation to help.

Now, you may argue, and I would disagree with you but I could maybe understand the argument, that if a child is born out of wedlock, if you have a woman who's had three or four births that are called illegitimate and she has another one, but these are people who follow all the values that you claim that you believe in.

SENATOR DALY: Will Senator Leichter yield to a question.

ACTING PRESIDENT FARLEY: Senator

Leichter, do you yield to another question.

SENATOR LEICHTER: Yes.

SENATOR DALY: Do you realize, Senator, that that child does gain for that family additional food stamps and Medicaid benefits?

SENATOR LEICHTER: Oh, Senator, that is so generous of you, and the only reason that child gets the food stamps is because if you had the power you would take the food stamps away, too, because you don't have the power to to do that, but you will take away any state money you can. I think it's a shameful bill. I'm amazed that you would put -- the Majority would put this sort of a bill forward and pass it.

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

ACTING PRESIDENT KUHL: Senator Leichter yield to another question from Senator Daly?

SENATOR LEICHTER: Yes.

ACTING PRESIDENT KUHL: Senator

yields.

SENATOR DALY: You think this is a shameful bill, I gather -- you just said that -- and how dare anybody bring this to the floor. Do you know where the idea came from? That the President of the United States has proposed the same bill at the national level, that the bill came from a Democratic Governor in New Jersey and a Democratic legislator in the New Jersey Legislature? That bill wasn't born on the Republican side of the aisle -

SENATOR LEICHTER: Senator.

SENATOR DALY: Let me finish the question, Senator. -- nor with Republicans.

This bill came from liberal Democrats with wisdom, I might say, not from this side, but we think this is a good idea and we don't care where it came from. Don't you believe if we thought this was not a good bill we wouldn't put it on the floor? Don't you really believe that, Senator?

SENATOR LEICHTER: Senator, obviously, you think it's a good bill. You put

it on the floor. That's where frankly, in my view, the disbelief occurs, that you could think that this is a good bill. Senator, I'm not suggesting that knowing the moral flaw in this bill that you would put it forward. It's that you are blind to how harmful and how mean spirited this bill is.

But let me tell you, Senator, there is a big difference between the bill in New Jersey and this bill. The bill in New Jersey was a bill that dealt with children who were born out of wedlock. Your bill -- your bill, Senator -- well, my understanding is that that was the case.

Let me also say, I have never considered New Jersey as the sort of state that I would point to and say I want to be like New Jersey. If you want do that, that's up to you. I grew up in a city -- in fact, the city where you were born -- where when somebody in driving committed some error, we'd say "Jersey driver," so that's how much we thought of New Jersey.

But, Senator, the basis of the

proposals to reduce welfare benefits for additional children is when the children are born out of wedlock, but to penalize people who live by all the values that I think you believe in and you still won't pay for that child you will still punish that child, that I can't understand.

ACTING PRESIDENT KUHL: Chair recognizes Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President. On the bill.

ACTING PRESIDENT KUHL: Senator Nozzolio on the bill.

SENATOR NOZZOLIO: Mr. President. My colleagues. I rise in support of this measure. It is not an original idea. It is an idea, as Senator Daly indicated that was fostered in the caldron of the New Jersey Legislature by an individual who represented an inner city district in Newark, New Jersey.

SENATOR DALY: Camden.

SENATOR NOZZOLIO: That representative, that Assemblyman from the New

Jersey Legislature, said that he did not like what was happening in his own district. He did not like generation after generation to be on welfare. He did not like the anesthesizing that welfare seemed to give many families, an insulation from reality that perpetuated a generation upon generation dependency rather than a movement away from social assistance.

This is not an original idea. It went from New Jersey to Wisconsin to Ohio to Michigan, where each of those legislatures stood up and said that we need to reform the system, not as some suggest to save a few dollars and cents but rather to reverse a psychology of dependence that we see, a system that, in fact, places two types of reality before people who are living in this state, one who are working, another who aren't, and those two systems play by different sets of rules.

Those who are working for at or nearly minimum wage, working hard to put bread on their table, to feed their families, to make their children grow and succeed, those people on

minimum wage can't to go their employer and say, "I have another child. I need a raise." If they do and if they are lucky enough to have an employer to grant such a request, godspeed to them. But in most cases, people just don't have that type of choice.

About a year ago, on Sunday morning, on one of those news magazine shows - I believe it was one sponsored by David Brinkley. He brought a camera crew into a welfare office and asked one who was receiving social assistance who was pregnant if she knew that her welfare benefits would not increase as a result of having an additional child what would she do. Well, without blinking an eye, the respondent said, "I would have thought twice about it."

That's what this bill does. It tries to make those who are receiving public assistance to think twice about the choice that every person that's working today must make, how to feed our family, how to feed our family through our own labors, not work to feed our

family by simply having an additional child that the state will take care of us.

That's not reality. This type of system does not encourage independence. It does not encourage self-sufficiency. It does not serve the welfare recipient well.

Senator Daly's bill should be supported, supported because it brings the reality into those who are receiving public assistance, not to hurt them but to prepare them for the outside world.

I move the bill, Mr. President.

ACTING PRESIDENT KUHL: Senator Mendez.

SENATOR MENDEZ: Will Senator Daly yield for a question?

ACTING PRESIDENT KUHL: Senator Daly, do you yield to Senator Mendez?

SENATOR DALY: Certainly, Senator.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR MENDEZ: Thank you.

Senator Daly, you mentioned that the percentage of illegitimate children being born in the nation is 68 percent.

SENATOR DALY: That's in inner cities. It's 30 percent. Thirty years ago, 5 percent of the children born in this country were born out of wedlock. That is now 30 percent total. When you get into -- it's over 60 percent -- I've been told 68 percent in inner cities. That's what scares me.

SENATOR MENDEZ: Do you realize that according to statistics published in the metropolitan newspaper, the breakdown in terms of ethnicity and race were that 30 percent of the children born without his or her parents being married are white; 38 percent, more or less the same percentage, is African-American; and 17 percent is Puerto Rican/Hispanic.

I am mentioning these statistics, Senator, Mr. President, because I'm disturbed this debate here might bring the perception that the majority of the children that are born out of marriage are, in fact, born to women who

receive public assistance and that is a sad stereotype, although I am not making - classifying this bill as being bad or indifferent because I understand that all the Senators on that side of the aisle as well as all Senators on this side of the aisle will just basically want the same thing. What do we want?

We want to do something so that people that are receiving public assistance would, in fact, learn whatever is necessary so that they would be self-dependent and be able to support themselves and their own children. We are different -- we think differently in terms of what would be the best way to achieve that wonderful goal.

I, for one, feel that people who for whatever reason are receiving public assistance, since our Constitution states specifically that they are entitled to receive that help, I don't think that they should be abrogating all their rights whether it is to have one child, two children or more.

I think that there are better ways to deal with the issue. The economic situation that we have had for so long has been unable to provide jobs for people that do not have certain skills. And in some fashion, our own efforts to bring training to many of these people have failed, not because all of them lack intelligence but there has been something wrong with the training or the training programs have been wrongly designed; or they were, like many years ago, the training schools making money, the welfare recipients attending but getting ready for jobs that were nonexistent.

The issue of the legitimacy has to do, again, as we all know, with the breaking down of certain mores accepted by all in our society, let's say, of 30 and 40 years ago and they are no longer there. And all these institutional changes within our society has been responsible for a totally new world in which -- that we have to recognize if we want to make a dent in resolving these kinds of issues.

And I tell you, Mr. President,

the fact remains that welfare has been for many, many years a political football. At some points in time, the Democrats have used it. At other points in time, the Republicans have used it. So we on this side of the aisle are not sitting on the right side of God. Neither are you sitting on the other side of the aisle.

So, again, I will not support this bill. I think it's well intended, but again I must say and must finish by saying that the road to hell at times is paved with so many wonderful intentions. This is one case which I think will not resolve the problem although the intentions are good.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on this bill? Senator Daly to close.

SENATOR DALY: Yes, just briefly Mr. President, if I may close. There are some statistics that I think are worth mentioning. First of all to cite again, President Clinton, who said recently that at the rate we are going

in less than ten years more than 50 percent - 50 percent of children born will be born to unmarried mothers.

Ladies and gentlemen, Joslyn Elders often cites a 1988 survey in which 87 percent of unwed teenage mothers said that their babies births were intended.

One last statistic. Where 50 percent of the women on ADC at the present time all went on ADC as a teenager.

Now, those are facts that we should very seriously think about, my colleagues, because, very frankly, there is a major concern here that we haven't discussed at any great depth. We have gone to the fact that -- we have gone to some -- a little name calling that those of us who carry this bill on the floor today are rather callous and hard hearted. Certainly that was indicated by some of the comments that were made.

But maybe it's because we also - maybe we care. Maybe the fact that the American family is deteriorating at such a rapid rate

that we are very, very concerned. We should be, because, basically, that's the cell of society; and if our families continue to deteriorate in this country, believe me, this country will go downhill rapidly.

Now, I'm not saying that this bill is going to solve that problem, not at all, but I'm saying that we must be aware of the situation that is occurring out there. More importantly, we have to take our heads out of the sand and realize that we must take action at the state and federal level to do something, to do something to shore up the family structure in this country.

And having anything in law that encourages or increases the opportunity for teenagers out of wed -- I should say young ladies having children out of wedlock is something that we should change. We do care over on this side of the aisle, believe it or not. Perhaps we have a different approach than our colleagues on the other side, but we do have strong feelings and those feelings are coming

out on the floor today, and they concern themselves with what the present welfare system is doing to the people on it, and it concerns itself with what the present welfare system is doing to our family structures in this country, and we had better be concerned.

Someone had better be concerned. Someone had better be willing to stand up and carry what we all consider tough bills, because it's in the -- pardon me, Senator. Do you want -

ACTING PRESIDENT KUHL: Senator Mendez, why do you rise.

SENATOR MENDEZ: Senator yield for another question.

ACTING PRESIDENT KUHL: Would Senator Daly yield to another question.

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

ACTING PRESIDENT KUHL: Senator yields.

SENATOR MENDEZ: Senator Daly, do you remember when Nixon was the President that

he presented a plan. He called it reversed -

SENATOR DALY: -- "guaranteed annual income."

SENATOR MENDEZ: Yes.

SENATOR DALY: And I supported -

SENATOR MENDEZ: That would have made it possible for families in need to receive monies, sort of directly bypassing the huge bureaucracy that we have managed to create. Do you know that of every dollar that is assigned to provide services to needy families and children, only 23 cents go to them and the rest, 78 cents of those monies, go to the professionals and the big bureaucracy pushing paper from one desk to another?

Can you imagine how much we could save if we could reduce that enormous bureaucracy and maybe re-examine what President Nixon, may he rest in peace, idea was at the time.

SENATOR DALY: Senator, I couldn't agree with you more. I strongly supported it. Unfortunately, if I remember

correctly Senators McGovern and Kennedy, thought what President Nixon wanted as a ceiling was much too low, and they could never reach an agreement.

But I agree, Senator, and I felt that the country did make a bad mistake without going to guaranteed annual income.

Mr. President. Let me finish my statement.

I don't know if what we have here on the floor today is going to improve the situation greatly. I think it will help immensely. Maybe what we have is not the answer, but it's an attempt to attack a problem that we must have the courage to attack. If we continue to allow the present welfare system to exist as it exists then we are destroying, literally destroying, millions of born and unborn to a life -- I should say to an existence not a life.

And it's our responsibility to do everything that we can to change the system. If you on the other side of the aisle have

recommendations on how you think the system should be changed to be improved, then tell us. We were saying that it needs two things. It needs motivation, number 1, both negative and - unfortunately -- and positive.

And you're right. A lot of these bills have sanctions in them, because we feel it's human nature. You have to have, as we call it, the carrot and the stick. That's human nature. I'm not denigrating anyone. That's human nature, and we have to recognize it.

And, again, Mr. President, we have to have the courage to stand up and look at what's happening today and what's happened in the last ten years and the deterioration, really, of our society and change it.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect the first day of the tenth month after it shall have become a law.

ACTING PRESIDENT KUHL: Call the roll.

SENATOR SOLOMON: Mr. President. Call my name.

ACTING PRESIDENT KUHL: Senator Solomon.

SENATOR SOLOMON: Thank you, Mr. President. To explain my vote.

ACTING PRESIDENT KUHL: Senator Solomon to explain his vote.

SENATOR SOLOMON: I'm going to vote against this bill because there is one provision in this bill where we have married families, which as far as I'm concerned discriminates against the constituency that I represent, and that's the orthodox Jewish constituency. In my district where the average family is six or seven children, where in fact there might be a situation where they do go on public assistance, in this bill where you have in-wedlock children born to a marriage, they are going to lose benefits. And the fact of the matter is with the economy today where we've had large employers in our community -- such as the 47th Street Photo have 200 people in my

community get unemployed at once, this bill can eventually discriminate against many of those people, and we've had that situation.

And I think that's one of basic problems with this bill. It discriminates against religious -- specifically those that are orthodox that have large families that are on public assistance, and that's the safety net that's out there to help people, and it's taking one group and cutting a big hole in that safety net because of their religious beliefs.

I vote no.

ACTING PRESIDENT KUHL: Senator Solomon in the negative.

Senator Connor to explain his vote.

SENATOR CONNOR: Thank you, Mr. President. I hate to interject a different controversial issue into this debate; but, you know, every year we have the debate about Medicaid funding for abortion, and I think just about every year I articulate my viewpoint, allowing for my personal opinion as well as a

public policy statement.

But one of the things I have always said is there must be other ways to discourage abortion, to certainly not make it attractive to people, besides cutting off funding that discriminates against the poor. And this, it seems to me, is an anti-family measure. This is a step -- for those of you who feel strongly that there should not be abortion or there should be less abortions, you are taking a giant step backwards.

I would favor something that says, you know, you get more money. And some nations do this. The more children you have - no matter how they got there, the more children you have we give you more money to support them. They are our future. I don't think we ought to have penalties for people who have children.

There are countries, China regrettably, and other countries, where the hand of government comes in and in an attempt to control population, or whatever, is very heavy

handed. I think, and interestingly enough, this measure is directed at some of the same population that the other measure you proposed as part of the budget is.

I think this is a step in the wrong direction. I think we ought to not penalize people for giving birth to children. We ought to figure out ways to help those children grow, thrive, be educated, and take their place in society.

I vote no.

ACTING PRESIDENT KUHL: Senator Connor will be recorded in the negative.

Senator Leichter to explain his vote.

SENATOR LEICHTER: Yes, Mr. President. Senator Daly and I before had a little debate about what the New Jersey law is, and let me just clarify. It's true the New Jersey law does not provide, as such, that it's children born out of wedlock, but it provides that it's children who are the aid to dependent children category which by definition are single

mothers.

This bill goes beyond that because it also covers families, so it covers an Aid to Dependent Children Program which is available for families where you have a father and a mother and the father may be unemployed.

And, you know, for Senator Nozzolio to get up and say, well, this is a society of some people who work and some people who don't work. Senator, there's a lot of people who are as motivated to work as you are or I am who can not find jobs. And what I hear is sort of like the haves telling the have nots we're not going to do anything for you. We're tired of you.

I just reject that approach, and particularly in this instance where people who live according to every moral value that this society possesses and to say to them you have another child, let that child go hungry except insofar as they can get food stamps because we can't take their food stamps along. I just can't believe that this chamber would pass that

sort of a bill.

I vote in the negative.

ACTING PRESIDENT KUHL: Senator Leichter will be recorded in the negative.

Senator Espada to explain his vote.

SENATOR ESPADA: Thank you, Mr. President.

We hear barbaric stories of other countries caning children, forced sterilization, mutilation, indeed even genocide. We frown on those kinds of stories, those experiences in this country.

And yet when faced with this premise, this premise being that we have inter generational welfare dependency, and people speak to this as though they really believe it that, in fact, women consciously go about having more children because they want $59 or $72 added to their budget. It's that kind of falsehood, that kind of false premise, that kind of dangerous justification for what we want to do, albeit with the best of intentions, that really

creates a very dangerous and barbaric society.

So in the interest of our society, we ask that we return to some of the coherent policies that start to make a presence in some of the other bills that we'll discuss later on and really leave this aside for more barbaric, less civilized societies than ours.

We vote no.

ACTING PRESIDENT KUHL: Senator Espada to be recorded in the negative.

Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: You know, I don't know what bill we're talking about, but I don't see anything here about genocide, caning, mutilation, and all of these other things that this has been likend to. I'm not quite sure this has anything to do with abortion or abortion funding by Medicaid. I may be -- maybe I'm on the wrong bill, but I think it's Calendar Number 801.

What this bill does not discriminate against anybody. I don't see

anything about Orthodox Jews in this particular bill. I guess you can even make the argument, if you want to talk about discrimination, that literacy tests discriminate against those who can't read and write, but you can make an argument about anything I guess.

All this bill really does is what all bills should do, treat everybody in this society the same way. If I happen to be a person who has a job and I want to decide how big my family is and how much I can economically determine is viable for my family and how big the family should be, one of the determinations is economic. Do I want a larger family? Can I afford another college education? Can I do this or that? That's what everybody does. Every American thinks about these things, and that's all this bill would do.

This bill would say, in determining whether or not I'm going to have another child, I have to look at the economics, as well. That's one of factors I have to determine. And part of the economics -- after

this bill is passed and if it passes the Assembly, part of the economics would be: Can I afford another child if I'm not going to get another check from the Social Services Department?

So it doesn't discriminate against anybody, there's no mutilation, there's no caning, there's no genocide. It's simply making people understand that they have to be responsible for their behavior, and one of the considerations is economic, and they should be making their decision like every other American makes their decision whether they are on welfare or not.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: Senator DeFrancisco in the affirmative.

Senator Gold to explain his vote.

SENATOR GOLD: Yes, thank you.

I spoke in the beginning and I wasn't going to speak again but Senator

DeFrancisco requires, I think, some kind of an answer. Senator, when you say an American family -- and I don't know what that means. I think even people who need help from others, you know, have traditional families and traditional values. When you say they think about it and see what they can afford and they make those plans, Senator, there's a lot of those families that you would call decent, that you would describe in these glowing terms, where accidents happen, and they may be on a rhythm system, and Senator Waldon discussed all of this, and something happens and they have a child. And what do you know? The economics have changed.

You used a phrase, Senator, which is really the triggering phrase. People have to be responsible. We have to teach them to be responsible. When we discussed earlier today you are a responsible person, but God forbid there is a rape. And we say you are a responsible person, but God forbid this happens or that happens.

And the bottom line is that none

of that is considered in this bill. It has nothing to do with being responsible. The people -- as I have said earlier today, the people who need help in this society are not the ones who head the federal banks and the federal programs that set up systems that effect our economy. These are the smallest people struggling. They would love to have jobs.

You can not come to the floor day-in and day-out with the myths, the myths that we have people in society who sit down and say, "Well, let me see. Today's a good day. I can either become a doctor, be a lawyer, or go on welfare. Which should I pick? Let me see. This is a tough choice today. Yesterday, I opt for welfare maybe today I'll become a brain surgeon."

I mean come on. These are people who grow up in atmospheres where they want very much for their children to get out and for themselves to get out, and they wake up and one of the most despairing things that can happen to you is not to have an opportunity.

I'm not ashamed to look around this chamber and say when I got out of law school jobs were tough. I was married. My wife was pregnant, and do you think I sat around all day? No, I got out. Some days I had no place to go, and I'm going to tell you if you tell my wife, I'll shoot you. Some days I just went to a movie. I was embarrassed to stay home, but what was I going to do?

And these are people today who feel the same way. They have children. They want to go to work. They want to do something, and they get up, and where do they go. They look in the paper. They look for help someplace. We don't want to give them that help. We want to pass 19 junk bills telling these people that it's their fault. The woman who gets raped, it's her fault. The person that becomes murdered in the park, it's his fault. It's nonsense.

I vote no.

ACTING PRESIDENT KUHL: Senator Gold in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 801 are Senators Babbush, Connor, Espada, Gold, Leichter, Mendez, Montgomery, Nanula, Ohrenstein, Paterson, Santiago, Smith, Solomon, Stavisky and Waldon. Ayes 44. Nays 15.

ACTING PRESIDENT KUHL: Bill is passed.

Senator Present.

SENATOR PRESENT: May we return to Calendar 800, please.

ACTING PRESIDENT KUHL: Senator Present, before we do that, we have several items, I'm informed, at the desk of housekeeping measures that could go to the printer if adopted. Can we take that a little out of order and return to motions and resolutions?

SENATOR PRESENT: Yes, do it.

ACTING PRESIDENT KUHL: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. On behalf of Senator DeFrancisco, I

wish to call up his bill, Senate Print 4485A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator DeFrancisco, Senate Bill Number 4485A, authorizing the city of Syracuse to replace residential water service line.

SENATOR LIBOUS: Mr. President. I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is before the house.

SENATOR LIBOUS: Mr. President. I offer up the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR LIBOUS: Mr. President. On behalf of Senator Johnson, I wish to call up his bill, Senate Print Number 3367A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Johnson, 3367A, an act to amend the Environmental Conservation Law.

SENATOR LIBOUS: Mr. President. I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is before the house.

SENATOR LIBOUS: Mr. President. I wish to offer up the following amendments.

ACTING PRESIDENT KUHL: Amendments received and adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President. On behalf of Senator Stafford, I wish to call up his bill, Senate Print Number 8031, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

ACTING PRESIDENT KUHL: By Senator Stafford, Senate Bill Number 8031, proposing an amendment to the constitution.

SENATOR LIBOUS: Mr. President. I now move to reconsider the vote by which the bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is before the house.

SENATOR LIBOUS: Mr. President. I now ask for unanimous consent to offer the following amendments.

ACTING PRESIDENT KUHL: With unanimous consent, the following amendments are received and adopted.

Senator Farley.

SENATOR FARLEY: Mr. President. On behalf of Senator Kuhl, on page 6, I offer the following amendments to Calendar Number 310, Senate Print 3651, and I ask that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted. The bill will retain it's place on the Third Reading Calendar.

Senator Farley.

SENATOR FARLEY: Mr. President. On behalf of Senator Johnson, on page 34, I offer the following amendments to Calendar 1368, Senate Print 7811A, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted. The bill will retain it's place on the Third Reading Calendar.

Senator Farley.

SENATOR FARLEY: On behalf of Senator Daly, on page 20, I offer the following amendments to Calendar Number 890, Senate Print 7511, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President. On behalf of Senator Stafford, on page 32, I offer the following amendments to Calendar 1351, Print 8636, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted. The bill will retain it's place on the Third Reading Calendar.

SENATOR DiCARLO: Mr. President. On behalf of Senator Cook, I wish to call up bill, Print Number 5169B, recalled from the

Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Cook, Senate Bill 5169B, create a temporary state coordinating council on geographic information systems.

SENATOR DiCARLO: Mr. President. I now move to reconsider the vote by which the bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is before the house.

SENATOR DiCARLO: Mr. President. I now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR DiCARLO: Mr. President. On behalf of Senator Cook, on page 44, I offer

the following amendments to Calendar 1092, Senate Print 1651A, and ask that said bill retain its place on the Third Reading Calendar and remove the star.

ACTING PRESIDENT KUHL: Amendments are received and adopted. The bill will retain its place on the Third Reading Calendar, and the star is removed.

Senator Present, we have a couple of substitutions.

All right. The Secretary will read the substitutions.

THE SECRETARY: On page 14 of today's calendar, Senator Volker moves to discharge the Committee on Rules from Assembly Bill Number 11342 and substitute it for the identical Calendar Number 700.

On page 34, Senator Velella moves to discharge the Committee on Rules from Assembly Bill Number 10664 and substitute it for the identical Third Reading 1367.

On page 35, Senator Goodman moves to discharge the Committee on Rules from

Assembly Bill Number 11939 and substitute it for the identical Third Reading 1372.

ACTING PRESIDENT KUHL: Substitutions are ordered.

Senator Tully.

SENATOR TULLY: Yes, Mr. President. On behalf of the Council on Health Care Financing, I hereby submit to the Journal a report required by Chapter 165 of the Laws of 1991 on "Alternative Payment Methodologies for Inpatient Hospital Reimbursement in the Medicaid Managed Care Program," which was adopted yesterday by the Council.

Thank you.

ACTING PRESIDENT KUHL: The report will be accepted and filed in the Journal.

Secretary will now return to Calendar Number 800.

THE SECRETARY: Calendar Number 800, by Senator Holland, Senate Bill Number 3833A, an act to amend the Social Services Law, in relation to recovery of certain medical

assistance expenses.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Yes, Senator Gold.

SENATOR GOLD: Will Senator Marino yield? No, never mind.

Explanation please.

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

SENATOR HOLLAND: Yes, Mr. President, under existing Social Services Law, it provides that if it is discovered that a person who receives public care and assistance has real or personal property, then a public welfare official may bring an action against such person to recover the cost of providing such person with public care and assistance during the preceding ten years; however, officials may not bring an action against a person under the age of 21.

This bill gives the Department of Social Services the right of action to recover

medical care directly related to personal injury suffered by a person under age 21 so that the Department of Social Services may now recover against any judgment or settlement obtained by the individual.

ACTING PRESIDENT KUHL: Chair recognizes Senator Gold.

SENATOR GOLD: Thank you. There is a memorandum in opposition by the New York State trial lawyers, and they make a point that I just want to clarify with you, Senator Holland, if you will be kind enough to yield.

SENATOR HOLLAND: Certainly.

ACTING PRESIDENT KUHL: Senator Holland yields.

SENATOR GOLD: If a person affected by this bill was hit by an automobile, and the driver had minimum coverage, a 10-20 policy, and the person was really hurt badly and the medical bills were $20-30-40,000, under your bill, the injured person would not get one penny from the recovery. Isn't that true?

SENATOR HOLLAND: No, it's not

true.

SENATOR GOLD: Well, then why don't we clarify it.

SENATOR HOLLAND: It's still up to the Department as to how they are going to press the case, and I believe that they are not going to try to take that money away from the individual if there is not an excess amount of money.

SENATOR GOLD: Senator, will you yield to a question?

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

SENATOR HOLLAND: Yes, certainly.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR GOLD: Senator, this bill says that that money is in fact available, 100 cents on the dollar; isn't that true?

SENATOR HOLLAND: Senator, in an Infant Compromise Order must be contained the facts of a settlement and the Court must approve the order. In reviewing the order, the judge

must make sure the infant's financial rights are protected. This bill does not preclude the Court's discretion. That is CPLR.

SENATOR GOLD: Will the Senator yield to a question?

SENATOR HOLLAND: Sure.

ACTING PRESIDENT KUHL: Senator Holland continues to yield?

SENATOR GOLD: Someone is under the age of 21. They get hit by a car. It's very serious. And three years later, four years, whatever it is, they are in court. It turns out there is a 10-20 policy. The individual is 22 years old. Isn't it a fact, Senator, you don't need an infant's compromise order there? The person is an adult.

SENATOR HOLLAND: I'm not sure. You probably know better than I do the answer to that question. But I understand there is money under no-fault available for that also.

SENATOR GOLD: On the bill. Mr. President.

ACTING PRESIDENT KUHL: Senator

Gold on the bill.

SENATOR GOLD: Senator Holland might be right if the person was an infant, but even there -- let me deal with this -- with the situation.

In most of these cases you don't need an infant's compromise order if the person is over 21 when they settle. And while Senator Holland says, in the case I gave, it's up to the public service officer and they wouldn't do this and they wouldn't -- we don't know what anybody would do. We only know what happens in the laws that we pass.

And under the law that we're passing if somebody had serious damage and, as happens every day in New York State, somebody is driving with minimum coverage, the fact of the matter is that money is gone. It's not apportioned. We don't give them 50 percent. We don't say take 25 percent.

Under the law as you have written it, Senator Holland, the public service officer can take it all, and we can say, "Heartless

person," heartless man or woman, but that's not the issue. They will say, "What do you want from me?"

ACTING PRESIDENT KUHL: Senator DeFrancisco, why do you rise? Excuse me, Senator Gold.

SENATOR DeFRANCISCO: Will you yield to a question, Senator?

SENATOR GOLD: Of course, Senator.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DeFRANCISCO: If you take that same example and I happen to have $100,000 in the bank and I get hit by somebody who has a 10-20 policy and my medical expenses are $120,000, don't I have to use my $100,000 in the bank to pay for my medical expenses if the no fault is not satisfactory?

SENATOR GOLD: That might very well be.

SENATOR DeFRANCISCO: Well, why would it make a difference whether or not it's

my money in the bank that's being -- that I have to use or it's money that otherwise would come to me from a lawsuit that I have to pay back to social services? I still end up with zero; correct?

SENATOR GOLD: No.

SENATOR DeFRANCISCO: No? Okay.

SENATOR GOLD: No. Senator, we're dealing with a situation here which is an exact situation, and that situation is where some youngster under 21 -- remember, that's what you're talking about -- whose parents, I guess, are responsible and the kid is going to college. I mean this is not a kid in college who's got his $200,000, $300,000 in the bank. This is a minor who gets injured.

And I think Senator Holland explained that this bill before us today doesn't deal with the parents or whatever. This deals with opening up a new door and allowing the social service people to go after the kid.

Now you got a kid who doesn't have $100,000 in the bank, Senator. And what

happens there is that the person is seriously injured and may get a minimum recovery.

And all we're saying is that the concept of the individual, the child, losing all of it and having nothing doesn't seem fair, and I think that is the point which is raised by the trial lawyers memo in opposition, and I think it's a valid point.

There are times when we get memos from people and we may or may not agree with it. This is one where I think they made a valid point. Senator Holland, who gives I believe honest answers to questions, acknowledges that that is, in effect, what could happen depending upon what a social service officer wants to do.

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

SENATOR HOLLAND: I'd like to ask if the Senator could yield to a question?

SENATOR GOLD: Of course.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR HOLLAND: You talked

about fairness, and not everything is fair, but suppose there is a judgment for a million dollars or $3 million, is it fair that the taxpayers pick up all that money and none of that money, none of that $3 million goes to pay for maybe half a million dollars of medical expenses that happened?

SENATOR GOLD: Senator, that's an excellent question. I didn't plant it; right? That's an excellent question.

SENATOR HOLLAND: I can give you the case, too, if you like.

SENATOR GOLD: That's an excellent question, but your bill doesn't make the distinction. And what you and Senator Daly are doing today which is so unfair is that you are giving us bills which aren't thought out. Your bill doesn't say, for example, that a percentage will go. I mean supposing it's a $10,000 recovery. Maybe it will be fair to split it one-third/two-thirds, maybe 80/20, maybe 50/50, I don't know. And maybe when you get to judgments that are $50,000 we ought to

have something. Maybe if there's two or three billion dollars the state gets a bonus for having laid it out.

But, Senator, your bill doesn't do that. Your bill takes a situation and in a very simplistic way -- and I don't mean that to be insulting. Please don't take it personally. But in a simplistic way it says -

SENATOR HOLLAND: No, not at all.

SENATOR GOLD: -- you pay it back. So the answer is yeah. So the people that get -- in order to get $3 million, you probably, God forbid, going to have a kid who is paralyzed for life or someone who's got a wrongful death action. So, you know, you can say what are you looking at in that situation also.

But in a smaller case, Senator, medical bills go up very quickly. You and I know it. Part of the national debate today. It doesn't take a lot damage, Senator, to use up that $10,000.

SENATOR HOLLAND: Senator, none

of this is to take away medical costs. The bill does not stipulate that. What is happening now is those attorneys are putting all of the money in a judgment into a fund that cannot be touched, and that is totally unfair.

Let me tell you, also, this is a departmental bill, so they didn't think it out, either.

They will save $3 to $3-1/2 million, and a local DSS officer conservatively expects to save -- why it's so one sided on our side and not one sided on your side?

SENATOR GOLD: Well, will you yield to one more question?

ACTING PRESIDENT KUHL: Senator Holland, will you yield?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR GOLD: Senator, what do you do about the situation where you have this kind of a judgment and you take all the money under your bill and then the person goes back on

welfare, and then you're going to criticize them for being back on welfare?

SENATOR HOLLAND: What we have done for that individual is pay all of his medical expenses, and we're not complaining about that. So the individual has not come out with nothing. We pay all of his or her medical expenses.

And just like Senator DeFrancisco says whether you had the money in the bank or you didn't, the medical expenses were paid and now you end up with nothing.

ACTING PRESIDENT KUHL: Chair recognizes Senator Dollinger.

SENATOR DOLLINGER: Mr. President. Will the sponsor yield to a question?

ACTING PRESIDENT KUHL: Senator Holland, do you yield to Senator Dollinger?

SENATOR HOLLAND: Certainly.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DOLLINGER: Senator, I'm

interested in the concept of this bill because I have settled actions in which there were liens by social services pending against infants. In a particular case, two infants that died.

SENATOR HOLLAND: That died? I didn't hear it. That died?

SENATOR DOLLINGER: Two infants that died. And the question of how or what recovery there should be against the estates of those infants and the wrongful death actions and whether it applied.

My question is this. In order to accomplish the goal that you are seeking and since all the infant settlements in this state have to be approved by a court, why not simply require that the Court -- before it can approve a judicial settlement for an infant, that it inquire of the parties whether or not there were medical bills? If so, who furnished the funds to pay those medical bills, and whether or not there are any liens for either the social services department or other carriers or other individuals that would have to be paid out of

the proceeds? And make the Court's approval of the settlement conditional upon the disclosure of that information and the Court deciding that there has been a proper attribution of medical costs, and liens have all been taken care of, all in the infant's judicial settlement process?

SENATOR HOLLAND: The courts have said, Senator, that there does not have to be a medical portion. All of it can go into pain and suffering. I believe that's the Baker Sterling Case.

SENATOR DOLLINGER: Right, but - but, Mr. President, again through you. We could require as part of the infant settlement process that a plaintiff who is settling a case on behalf of an infant disclose the amount of medicals that were incurred to date, the anticipated future medicals, whether any third party, be it a private insurance carrier or the government, has already paid for those services or will be required to pay for them in the future. And then allow the Court as part of the settlement to determine in the best interests of

the child, balancing off the need for the government to be repaid or the insurance carrier to be repaid, but also recognizing, perhaps, as the trial lawyers properly point out, that there is limited funds and leave it to the judge to decide whether the government gets paid back.

We could do that, couldn't we?

SENATOR HOLLAND: That's what we're trying to do here, Senator. And also the Medicaid lien outlines what the expenses that you talked about are.

SENATOR DOLLINGER: Okay. I - thank you.

ACTING PRESIDENT KUHL: Senator Dollinger on the bill.

SENATOR DOLLINGER: Mr. President. I understand the intention of the sponsor here. I just think the way I described it is a better way to do it, and a better way to accomplish the goal since the infant settlement would have to be approved by the court. You could simply require that as part of an infant settlement process the applicant has to disclose

-- as we currently have rules for infant settlements -- has to disclose what medical costs were incurred on behalf of the infant, both current costs and anticipated future costs.

In addition, we could require that they disclose who is paying for those costs, if it were a private insurance carrier, if there weren't sufficient funds available. As under the example that Senator Gold used and the trial lawyers used, there's only $10,000 available. They have incurred $5,000 worth in current medicals and the anticipate $5,000 more. We could give to the court discretion to then say, "I'm not going to take the whole $10,000 and give it back to the government to be reimbursed, because that will leave the child with nothing. Instead, I'll come to an apportionment of those medical costs and give to the individual a reasonable repayment for their anticipated pain or suffering but not take it all." In other words, give a portion back to the government, reimburse the government, do the

kind of balancing that I think the sponsor would like to achieve. It can be much better done under the current mechanism that we have. Let's use the infant settlement process.

I would support a bill that says that in that process you have to disclose where the source of funds are. While I understand Senator Holland saying, you know, someone in the Baker against Sterling case, and it's progeny has somehow pulled a fast one on the government, I frankly look at that and say that's good lawyering. If you're told you got to repay, if you attribute any portion of your settlement to medical costs, you then have to repay the government, every good trial lawyer in this state, myself included, would stand there and say, "No, I'm not going to do that. I'm going to attribute it all to pain and suffering so I don't have to pay it back, so I can do what's in the best interest of my client."

And I don't think you can fault a trial lawyer who is trying to do what's in the best interest of his infant settlement client.

My recommendation -- and I'm going to vote against this bill, Mr. President, because I think there is a better way to do it.

I would hope that if this bill does not become law that the sponsor would consider looking at infant settlements, go through that process, require plaintiffs applying for judicial settlement to disclose how much medical was incurred, where it came from, whether as part of the plan there was an intention to repay a portion of that; and if the repayment of medical expenses would diminish the personal injury pain and suffering component to a point where it's no longer adequate to cover the pain and suffering for the injured or disabled child, at that point the Court could say, "We will simply apportion the medical costs. We will repay a portion of it to the government so that the infant remains whole."

I think that's a better approach. I think this is too far-reaching and will have a potentially disastrous effect. I encourage the sponsor if we get to do this

again, try that approach. It allows for a better balancing under the current available techniques to achieve the goal you are after, which is a reasonable one.

ACTING PRESIDENT KUHL: There is a local fiscal impact note at the desk.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

SENATOR DALY: To explain my vote.

ACTING PRESIDENT KUHL: Senator Daly to explain his vote.

SENATOR DALY: Mr. President. We keep hearing from the Minority Leader about the quote/unquote 19 crummy bills that are not well thought out. I'm sure this broken record will

continue on as we proceed through the remaining bills. However, it's interesting that many of these bills have been out there for months. There are no amendments on the floor. There are no bills proposed by the Minority that I know of to attack this very, very important problem.

Now, that would indicate one of two things to me, either the Minority doesn't recognize that our present welfare system has a problem or really doesn't care about it.

SENATOR LEICHTER: Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Leichter to explain hills vote.

SENATOR LEICHTER: Yes. Mr. President. Senator Dollinger fails to understand what we're engaged in here. Senator, you made a perfectly good proposal and a sensible proposal which, by the way, was also contained here in the Trial Lawyers Association. They gave us some language that would achieve the aim.

But the aim here isn't to pass

legislation. The aim here is to get out some press releases, and so it really doesn't matter what these bills say. This is a statement. This is not an effort or serious effort, as we understand it and see it, to try to deal with the problem of welfare costs.

Senator Daly, we have made a lot suggestions, proposals. I thought it was interesting your saying, "Gee, you didn't put up any amendments," seeing that you would vote against any amendment. You would vote an amendment -- if Moses, Jesus Christ came back here and gave us an amendment, you'd vote against it, because your first rule of law, your first principle is "No amendment will ever pass," so why should we bother putting up amendments, Senator.

But we have a lot of bills in. We have a lot of proposals that we've made. We would like to deal with this seriously. Senator Dollinger, who is new here and, you know, thinks that reason will prevail here has made perfectly good suggestion how you could get a bill that

achieves the purpose that you say insofar as these judgments or settlements are concerned for injury to infants who were in welfare and will get you the votes of all the members on this side of the aisle and you will pass it in the Assembly and the Governor will sign it, but then you won't have a press -- you may not have the press statement that you wanted to send out.

Mr. President. I vote in the negative.

ACTING PRESIDENT KUHL: Senator Leichter in the negative.

Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: I just wanted to point out that I think my example that I asked Senator Gold about was a valid example insofar as there's inequities all the time when there is a 10-20 policy and the injuries are much more serious than that.

If it's a child, a parent may have some assets. They may have to pay out of their own pocket if their insurance is

insufficient. That is an inequity. That's a very sad thing when it's a bad accident.

Or if a minor happens to have money of his or her own that might be available for payment of medical bills and they might not be able to get that recovery for pain and suffering.

All this bill does is basically say if your medical bills aren't from your family's monies or they aren't from your own trust account or they aren't from the proceeds of some other fund that you might have, and you happen to have gotten some from the government, then you are going have to use some of that pain and suffering money just like anybody else that's not on public assistance would have to do if their funds were insufficient to pay for the medical bills.

It's not radical. It's not draconian. It's the same situation that anyone who happened to have not been on welfare would face if medical bills had to come out of their own pocket.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: Senator DeFrancisco in the affirmative.

Senator Dollinger to explain his vote.

SENATOR DOLLINGER: Mr. President. I'm going to vote in the negative because, as I explained a minute ago, I think there is a better way to do this. But I do think, Senator DeFrancisco, that there is a danger that it will be draconian, because what we're really saying is that it's more important that we reimburse -- the taxpayer be reimbursed the $10,000 for medical expenses, than it is that the child who's going to have to live an entire life with a disfigurement or an injury, that their pain and injury isn't at least as important.

The proposal that I made to Senator Holland would allow a Court to balance those two off, give government a little bit

back, give the injured plaintiff a little bit of something, and not use an all or nothing method.

I beg to differ, but I think in the example pointed out by the trial lawyers, it is going to be draconian. We don't need to be draconian. We can balance it more sensitively if we try an approach like I highlighted a minute ago.

ACTING PRESIDENT KUHL: Senator Dollinger in the negative.

Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 800 are Senators Connor, Dollinger, Espada, Gold, Leichter, Ohrenstein, Paterson, Santiago, Smith and Waldon. Ayes 49. Nays 10.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Golden -- or Goodman, excuse me.

SENATOR GOODMAN: Sorry, Mr.

President. I lost my footing. The carpet suddenly got very slippery under my feet.

Mr. President. May I be recorded in the negative on Calendar 801.

ACTING PRESIDENT KUHL: Without objection, Senator Goodman will be recorded in the negative on Calendar Number 801.

Senator Leichter.

SENATOR LEICHTER: Mr. President. May I be recorded in the negative on 708 and 799, please.

ACTING PRESIDENT KUHL: Without objection, Senator Leichter will be recorded in the negative on Calendar 708 and 799.

Senator Paterson.

SENATOR PATERSON: Mr. President. Without objection, I would like to be recorded in the negative on Calendar Number 799.

ACTING PRESIDENT KUHL: Without objection, Senator Paterson will be recorded in the negative on Calendar Number 799.

Senator Present.

SENATOR PRESENT: Call up Calendar 994.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 994.

THE SECRETARY: Calendar Number 994, by Senator Daly, Senate Bill Number 5533B, an act to amend the Social Services Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Daly, an explanation has been asked for by Senator Gold.

SENATOR DALY: I think to save time, I have two bills here that are very similar and with the approval of the Majority Leader and the Minority Leader, perhaps I can try to explain both. One deals with what we call the "families in transition," which deals with ADC, Aid to Dependent Children. The other is called TTI, Transition to Independence, which deals with home relief. Both have basically the same elements in the bill. They have the same purpose, the same language, and I think I can explain one and just say the other. For home

relief, for example, we'll start with family in transition. It will help the afternoon go along a little faster.

The evening? All right.

Mr. President. These bills have one basic purpose, and that is to try to break the generational cycle that we see occurring so often and so increasingly in welfare, and it's aimed at young ladies under the age 25 who are on ADC and who come from welfare families.

Basically, the thrust of this bill is to provide them with the counseling, with the assistance, to move them off welfare and onto a productive and contributing life, and we do that in several ways, Mr. President.

First of all, we try to encourage them to begin working as quickly as possible, and we allow them to earn more money and keep that money in addition to their grants. For example, and I'm looking for the figures which I will come up with shortly which demonstrates why this would encourage a mother to begin working.

For example, if a person on ADC

was receiving $593 per month, if they become involved in this program, if they are working for 35 hours a week at a wage of $5 per hour, they could earn $1232 a month, well above the amount they would receive from welfare on the welfare payment. They would also be protected under Medicaid, and this program would be a pilot program, a demonstration program, which we would try to move throughout the state.

Again, the basic thrust of the bill is to take young people who are on welfare, who have been on welfare, whose parents were on welfare, mother was on welfare, to give them the training, the counseling, the day care assistance, special assistance from the Social Services Department that's involved, move them into a job opportunity and see them ultimately work their way off welfare.

The other bill, the Transition to Independence bill has the same purpose, deals with second generation welfare recipients, and deals, however, with those on home relief.

ACTING PRESIDENT KUHL: Secretary

will read the last section of Calendar Number 994.

THE SECRETARY: Section 2. This act shall take effect on the first day of April next succeeding the date on which it shall have become a law.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -

ACTING PRESIDENT KUHL: Senator Waldon to explain his vote.

Senator Waldon, did you wish to explain your vote?

SENATOR WALDON: Yes, thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Waldon to explain his vote.

SENATOR WALDON: I want to compliment Senator Daly on this proposal. It is not all that I hoped we would be able to do in this regard, but I can certainly see that there will be outstanding benefits, and perhaps we can

with this legislation break the cyclical effect, the circle effect, of people remaining on welfare. That's what we are really all about. I applaud you for your effort. I would encourage my colleagues to vote in favor of this bill.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Number 993, please.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 993.

THE SECRETARY: Calendar Number 993, by Senator Daly, Senate Bill Number 5407E, an act to amend the Social Services Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

Secretary will continue to call the controversial calendar in regular order.

THE SECRETARY: Calendar Number 995, by Senator Daly, Senate Bill Number 6595A, an act to amend the Social Services Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Daly, an explanation has been asked for by Senator Gold on Calendar Number 995.

SENATOR DALY: Give me just 30 seconds, Mr. President. We will get rid of the previous two bills and pick up this bill.

Mr. President. This bill requires every employable home relief recipient to actively engage in job search activities as long as he or she receives home relief benefits. Local social service officials may

assign the recipient to other appropriate employment training or recreational activities in addition to or instead of job search activities. The current law only requires able bodied home relief recipients to engage in job search for 90 days. The local district may assign a client who remains unemployed to an additional 90 days. This bill would mandate if it becomes law that they continue to search for work beyond the 180 days presently required. All we're asking them to do, Mr. President, is to look for work.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

998, by Senator Holland, Senate Bill Number 8349A, an act to amend the Social Services Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Holland, an explanation has been asked for by Senator Gold on Calendar 998.

SENATOR HOLLAND: Mr. President, as you know, we've been trying to encourage managed care in the State of New York, and we feel it saves money and delivers better services in many cases. This bill simply says in the eligibility requirement of social services, the social services district may require a person to participate in a managed care program, as required, for eligibility for such assistance.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Espada.

SENATOR ESPADA: If the sponsor will yield to a question, please.

ACTING PRESIDENT KUHL: Senator Holland, do you yield?

SENATOR HOLLAND: Sure.

SENATOR ESPADA: No problem with

the basic premise here. Just a question, Senator, would be, in your view is there enough of an infrastructure there, meaning community health centers, primary care health centers, where enrolled recipients would then go to. These plans are probably as a result of the 1990 or '91 law requiring about 50 percent enrollment in managed care programs by '95 or so. Current projections would indicate that those goals will not be achieved, and this would go a long ways towards helping that, I'm sure.

But my problem or my question really is, do people have places to go? Once you put them in an HMO Medicaid managed care program and they will lose other options, albeit expensive ones, emergency rooms, et cetera, but where do they go for their routine primary care?

SENATOR HOLLAND: Your question is -- that's why we say "may," Senator, so that if the structure is not there, we won't send them into managed care. I would hope that the district commissioner would certainly look into

that possibility. If there is no structure for them to go, he or she would not require this.

SENATOR ESPADA: Thank you.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 999, by Senator Holland, Senate Bill Number 8353, an act to amend the Social Services Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Holland, an explanation has been asked of by Senator Gold on Calendar Number 999.

SENATOR HOLLAND: Simply says, provides that an individual who obtains, attempts to obtain or assists another in

obtaining a public assistance card which he or she is not entitled to, through knowing misrepresentation shall be guilty of a class A misdemeanor.

And I can tell you about the case in New Jersey again where people had more than one card, and I have also had individual police officers come to me and ask me for this particular bill. That's all it does.

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

THE SECRETARY: Section 3. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1133, by Senator Holland, Senate Bill Number

8344A, an act to amend the Penal Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2.

SENATOR WALDON: Explanation.

SENATOR HOLLAND: Simply makes a possession of two or more stolen public assistance identification cards as an automatic presumption that the cards were stolen. This is true already in credit cards. If you have in your possession my credit card and Daly's credit card, they already assume that you're -

SENATOR DALY: You're in trouble.

SENATOR HOLLAND: You're in trouble. We're only saying the same thing would happen -

I don't know what you want Daly's for, either.

But this says the same thing would happen for a public assistance card.

ACTING PRESIDENT KUHL: Senator Waldon.

SENATOR WALDON: Mr. President.

If I may, would the gentleman yield to a question?

ACTING PRESIDENT KUHL: Senator Holland, do you yield to a question?

SENATOR HOLLAND: Yes, sir.

ACTING PRESIDENT KUHL: Senator Holland yields.

SENATOR WALDON: Senator, do we not have at this time on the books in our criminal statutes sections which would cover possession of stolen property?

SENATOR HOLLAND: Yes, we do, Senator, but I'm told that this strengthens the law.

SENATOR WALDON: How?

SENATOR HOLLAND: By saying that -- let's see. "It shall be presumed to know that they are forged and have an intent to defraud, deceive or injure another." My understanding is -

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

SENATOR HOLLAND: The other law,

apparently, you would have to prove the presumption. This is a stronger law, I'm told.

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

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR WALDON: I'm befuddled, Senator, if I may say that out loud. Possession of stolen property is possession of stolen property. Here, you have to also prove that these instruments are forged or that they came into the person's hands fortuitously. That has to be proved. But the police officer on the scene, once he or she knows or thinks that he or she knows what they have in front of them, they make the arrest.

SENATOR HOLLAND: Correct. But in that situation, you would have to prove that they are stolen public identification cards. This presumes that there's fraud right away. You don't have to prove it.

SENATOR WALDON: May I ask one

last question.

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

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR WALDON: Maybe a statement prior to the question, if I may. The trier of fact is going to make the determination, in my opinion, in both of these instances whether or not it's in fact stolen property in the first instance or whether or not there is a proper presumption in the instance that you are trying to give us with this legislation. So I think there is a redundancy here.

I think the law adequately provides to prosecute the people as it stands, and I think this is really unnecessary, if I may say.

SENATOR HOLLAND: I am told, Senator, again by police officers on the street in the City of New York who live in my district

that they can't do anything when they find this Jane Doe who has 16 children, and -- you know all that story. They can't do anything when she's got five cards in her pocket or ten card in her pocket.

This bill will say she is presumed guilty because she's got them in her pocket and is going to use them for fraud.

SENATOR WALDON: If I may, Mr. President, on the bill.

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

SENATOR HOLLAND: Yes.

SENATOR WALDON: No, no. If I may, on the bill.

ACTING PRESIDENT KUHL: Senator Waldon on the bill.

SENATOR WALDON: I don't know, Senator and my colleagues, these officers who have given you this information, but if they were under my command, they would have a serious problem in terms of not taking the proper action. Anyone who tells you that he or she can

not take proper action if they find such instruments in the possession of someone, I believe, from my appearance and my awareness of the law is misleading you.

If you want to put this through, in my opinion it's a redundancy. I would encourage my colleagues to recognize that it's a redundancy. I'm not going to ask that they vote against or for, but to recognize that it's a redundancy, and maybe we're wasting a little bit of the state's time in doing so.

Thank you, Mr. President.

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

THE SECRETARY: Section 3. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 1238, by Senator Daly, Senate Bill Number 8261A, an act to amend the Social Services Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Daly, an explanation has been asked for by Senator Gold.

SENATOR DALY: Mr. President. Under the existing social service laws, ADC applicants or recipients who intentionally defraud the state are penalized for six months after the first offense, twelve months after the second offense.

SENATOR GOLD: Keep your voice up, Senator.

SENATOR DALY: Oh, I'm sorry. I'm saying under present law, ADC applicants or recipients who are found by the Social Services Department to have improperly taken money can be penalized, and they are penalized by being put off, being denied grants, for six months after the first offense, twelve months after the

second offense and a permanent disqualification after the third offense for ADC applicants. HR applicants also receive similar penalties.

This bill would permanently disqualify any person convicted of a crime - convicted of a crime, that's important - related to welfare fraud in the amount in excess of $2500 for home relief, $5,000 for ADC.

Let me point out that that would not impact on children in an ADC situation, where the children would continue to receive the grants they normally would receive from a designated payee.

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

SENATOR MENDEZ: Would Senator Daly yield.

ACTING PRESIDENT KUHL: Senator Daly, do you yield to Senator Mendez.

SENATOR DALY: Yes, I will.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR MENDEZ: Senator Daly,

according to my understanding, are you aware that in those cases in which welfare recipients -- let's say that they get money by saying that they lost the money of the rent and the welfare department gives them the money. Are you aware that when they are over their expenditures, the usual thing that the welfare department does is to discount every month a set quantity of monies until they pay it all back? How does your bill -- will that interfere with this present procedure?

SENATOR DALY: I would guess in most of those cases, there is no conviction of a crime. This bill only kicks in when the person is charged by the Social Service Department, or the county or whomever, of having committed a crime in defrauding the government. And that crime in the case of HR would have to be worth over $2500 and ADC over $5,000. So there has to be a crime and the person, of course, has to be found guilty of that crime.

SENATOR MENDEZ: Thank you.

ACTING PRESIDENT KUHL: Secretary

will read -

Senator Dollinger.

SENATOR DOLLINGER: Mr. President. Will the sponsor yield to a question?

ACTING PRESIDENT KUHL: Senator Daly, do you yield to a question.

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Sponsor yields.

SENATOR DOLLINGER: What happens to the children if the parent is convicted on this fraud against AFDC or home relief?

SENATOR DALY: The children continue to receive the grant they normally would receive. They would be given to a designated payee -- a protective payee, who in turn would use that money for the children. We do not take any money away from the grant to the children through this bill.

SENATOR DOLLINGER: My only question as a follow-up, Mr. President, is where does it say that in the bill?

SENATOR DALY: I understand it's in current law. Remember, as I said before, that under current law you would take someone off welfare or ADC for six months for the first offense. In that current law, it states the children in an ADC situation would not be deprived of any of the grants they normally would receive.

So it's in present law, Senator.

SENATOR DOLLINGER: It's in present law?

SENATOR DALY: Yes, it is, under protective payments under Social Services Law, Section 350, if you would like to see it.

SENATOR DOLLINGER: Okay. Thank you. It made reference in both the sponsor's memo to that fact, but yet it's not contained in the bill. That's what prompted my -

SENATOR DALY: It's in existing law.

SENATOR DOLLINGER: Thank you.

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

THE SECRETARY: Section 2. This act shall take effect on the 60th day after it shall have become a law.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 58, nays 1, Senator Waldon -- ayes 57, nays 2, Senators Espada and Waldon recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1239, by Senator Daly, Senate Bill Number 8266, an act to amend the Social Services Law, in relation to participation in job opportunities.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Daly, an explanation has been asked for by Senator Gold.

SENATOR DALY: Yes, Mr. President.

This bill would reduce the maternity leave from job training and job search requirement for mothers from three years to one year. The basic thrust of the bill, Mr. President, is that the existing period is too long. In three years you lose your job skills and really, you have to begin all over. As we know, in society today, most women who have children don't take three years off. They're back to work six weeks after or six months after, most of them certainly within one year. We think this should hold also for women receiving AFDC.

As I said, three years is a long period. We feel that they should be back in the work force within one year so they certainly won't lose their job skills and continue to work to do the job that they were previously doing.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Oppenheimer.

SENATOR OPPENHEIMER: In the -- I have a question, please, if the sponsor will yield.

ACTING PRESIDENT KUHL: Senator Daly, will you yield to Senator Oppenheimer?

SENATOR DALY: Yes.

ACTING PRESIDENT KUHL: Yes. The Senator yields.

SENATOR OPPENHEIMER: Do you believe, Senator Daly -

ACTING PRESIDENT KUHL: Senator Oppenheimer, I'm -- Senator Gold has risen along with Senator Present, along with Senator Mendez, which leads me to believe there is some important event about to transpire.

SENATOR PRESENT: Without great disruption, can we have the last section read and allow Senator Mendez to vote?

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

Senator Mendez, how do you vote?

SENATOR MENDEZ: No.

ACTING PRESIDENT KUHL: Senator Mendez will be recorded in the negative. The roll call is withdrawn.

The Chair recognizes Senator Oppenheimer.

SENATOR OPPENHEIMER: And everybody can sit again.

Are you aware of the supply of child care in -- in the state of New York and -

SENATOR DALY: Am I aware of what? I'm sorry, Senator.

SENATOR OPPENHEIMER: The nature of the supply of child care in the state of New York. Do you feel that there are enough slots so that women with children age one and under will be able to access infant and toddler care?

SENATOR DALY: Well, Senator, age one and under, under the federal law as you know, you can go from one year to three years. New York State selected three. Three years means a child at least three years of age, so one and under, you are, even under this, with this bill if it becomes law, you still -- the

woman would still not have to work and, importantly also, I forgot to mention, go through job training if she's still -- if she's looking for work.

In other words, Senator, she can't say, "I don't want training, I don't want to be trained for a job because my -- I've only been -- had my last child two and a half years ago or two years ago." You would have-- she would be required, again, to go through job training after the child has been with her for one year.

SENATOR OPPENHEIMER: Right. No, I understand that. Let me ask you another question, if you will yield again.

SENATOR DALY: Yes, certainly, Senator.

SENATOR OPPENHEIMER: If the child is born and has a deficiency, would fall under OMR/DD, would this also apply for the mother of that child?

SENATOR DALY: Senator, under the existing law which we don't change, there seems

to be, I think that would be a case which would be called having reason for good cause, and, for example, if a person could not find a proper child -- child care facilities to take care of the child, the person could be excused from that one-year limitation.

SENATOR OPPENHEIMER: O.K. Thank you, Senator.

ACTING PRESIDENT KUHL: Senator Oppenheimer, on the bill.

SENATOR OPPENHEIMER: On the bill, yes. We have just -- my Senate Democratic Task Force on Women's Issues has just been moving around the state holding hearings on the issue of child care. I can tell you that, in the state of New York, we are not meeting 20 percent -- we are meeting 20 percent of the need for child care in this state. We have an appalling lack of slots for children -- for early childhood care.

The most appalling lack is in the area of infant and toddler care, supervision care. In many of our cities, we find there are

maybe a couple of dozen slots for what's called infant and toddler care, which is care for those children under the age of three. Considering the abysmal supply, the lack of supply of child care openings, considering that in most areas women cannot find child care even though they would like to go to work, considering the lack that we have in this state, and we in no way can meet the federal JOBS, J-O-B-S, Law which says that women with children underneath the age of three should be in the job force, work force, because we can not find the child care for those women.

We can not find -- if we can not find it for women with children under the age of three, there is no way we are going to be able to find child care for babies under the age of one; that is infant care. It is almost non-existent in the state of New York.

Further, under the JOBS program, the woman must be offered a choice of two reliable, regulated child care alternatives, and if she does not choose one, she must choose the

other, but there must be at least two choices. The two choices just simply don't exist in our state except in a few areas.

So I think it just ignores the reality, and I think we would be much better off if we put some of our muscle and our leadership and our will behind the creation of more child care so that we can help the many mothers who would like to be at work and can't because they cannot find child care that is affordable and convenient.

Thank you. I'll be voting no.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 1239 are Senat

ors Babbush, Connor, Espada, Gold, Leichter, Mendez, Montgomery, Nanula, Ohrenstein, Oppenheimer, Santiago, Smith and Waldon. Ayes 46, nays 13.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present, there not having been a Rules Committee report, that would complete the controversial calendar on Active Bill List Number 1. What is your pleasure, sir?

SENATOR PRESENT: Mr. President, let me remind, as I said last night, that those who have to amend bills that are on the calendar that, if they're not in by tonight, it will be too late to have those bills aged. We're still on the agenda to complete this session on Friday. We will be meeting every morning at 11:00 o'clock. The promptness of the members in attending at 11:00 o'clock will help us proceed to our goal, so I remind, again, on the amendments.

And now can we take up Agenda Number 2, non-controversial.

ACTING PRESIDENT KUHL: Secretary will read the Active Bill List Number 2, non-controversial calendar.

THE SECRETARY: On page 8, Calendar Number 432, by Senator Levy, Senate Bill Number 79-C, an act to amend the Transportation Law and the Education Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 435, by Senator Farley, Senate Bill Number 214-D, an act to amend the Vehicle and Traffic Law.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 715, by Senator Daly, Senate Bill Number 1090 -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 779, by Senator Saland, Senate Bill Number 7834, Domestic Relations Law3 and the Social Services Law.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 868, by Senator Spano, Senate Bill Number 3354-A, Retirement and Social Security Law.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 874, by Senator Trunzo, Senate Bill Number 7715-A, Retirement and Social Security Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1001, by member of the Assembly Gantt, Assembly Bill Number 9612, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1010, by Senator Levy, Senate Bill Number 56 -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number

1011, by Senator Padavan, Senate Bill Number 5904-B, with an Assembly Reprint Number of 30005, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1287, by Senator Rath, Senate Bill Number 8605, an act to amend the state -

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1290, by Senator Stafford.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1306, by Senator Cook, Senate Bill Number 7231, an act to amend the General City Law, the Town Law and the Village Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1323, by the Senate-

SENATOR GOLD: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1326, by Senator Cook, Senate Bill Number

1995-B, an act to amend the Education Law.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1330, by Senator Seward, Senate Bill Number 4262-A, an act to amend the Tax Law and the Public Service Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1341, by Senator Spano, Senate Bill Number 8088, an act to amend Chapter 78 of the Laws of 1989.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1344, by Senator Saland, Senate Bill Number 80...

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1354, substituted earlier today, by member of the Assembly Vann, Assembly Bill Number 4109-A, city of New York to reconvey its interest in certain real property.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1355, by Senator Spano, Senate Bill Number 3185-C, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1356 by Senator Spano, Senate Bill Number 3276-B, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1357, by Senator Present, Senate Bill Number 3674, Real Property Tax Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1358, by Senator Saland, Senate Bill Number

5499-A, an act to amend the Social Services Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll. Lay the bill aside.

THE SECRETARY: Calendar Number 1359, by Senator Padavan, Senate Bill Number 5571, an act to amend -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1360, substituted earlier today, by member of the Assembly Griffith, Assembly Bill Number 9582, an act to amend the Judiciary Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1361, substituted earlier today, by member of the Assembly Feldman, Assembly Bill Number 2438-A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58, nays one, Senator Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR PRESENT: Mr. President. Inadvertently Calendar Number 435 was laid

aside. Can we go back and pick up that one?

ACTING PRESIDENT KUHL: Secretary will return to Calendar Number 435.

THE SECRETARY: Calendar Number 435, by Senator Farley, Senate Print Number 214 D, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1362, substituted earlier today, by member of the Assembly Pordum, Assembly Bill Number 9465-B, city of Lackawanna, county of Erie, discontinue the use and sell certain park land.

ACTING PRESIDENT KUHL: There's a

home rule message at the desk. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1363, substituted earlier today.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1364, by Senator Johnson, Senate Bill Number 701 -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1365, by Senator Lack.

SENATOR GOLD: Lay aside.

SENATOR OPPENHEIMER: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1366, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11587, Environmental Conservation Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1367, substituted earlier today, by member of the Assembly Grannis, Assembly Bill Number 10664, an act to amend the Insurance Law.

ACTING PRESIDENT KUHL: Secretary

will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1371, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11513, General Obligations Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1372, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11939, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1373, by Senator Lack, Senate Bill Number 8145, an act to amend the Uniform City Court Act.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1374, by Senator Present, Senate Bill Number 8189-A.

SENATOR PRESENT: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1375, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11632-A, an act to amend the Town Law and the Public Officers Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1376, by Senator Daly, Senate Bill Number 8398, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Read the last section.

SENATOR OPPENHEIMER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1377, substituted earlier today, by member of the Assembly -- excuse me, by the Assembly Committee on Rules, Assembly Bill 11700, amends Chapter 19 of the Laws of 1984.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1378, by Senator Sears, Senate Bill Number 80...

SENATOR GOLD: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1380, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11828, Surrogates Court Procedure Act.

ACTING PRESIDENT KUHL: 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 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1382, by Senator Daly, Senate Bill Number 8684, authorize the sale or lease of real property at the Rochester Psychiatric Center.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

SENATOR GOLD: Lay that one aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1383, by Senator Saland, Senate Bill Number 8694, Environmental Conservation Law.

ACTING PRESIDENT KUHL: Secretary will -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1384, by Senator Spano, Senate Bill Number 8695, amends Chapter 318 of the Laws of 1991.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1385, by Senator Holland, Senate Bill Number -

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

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

SENATOR PRESENT: Mr. President,

are there any housekeeping?

ACTING PRESIDENT KUHL: Yes, we have a couple motions at the desk.

Senator -- return to motions and resolutions. Senator Wright.

SENATOR WRIGHT: Mr. President, I request unanimous consent to be recorded in the negative on Calendar Number 1361.

ACTING PRESIDENT KUHL: Without objection, Senator Wright will be recorded in the negative on Calendar Number 1369.

SENATOR WRIGHT: '61.

ACTING PRESIDENT KUHL: Excuse me, '61, Calendar Number 1361, 1361.

Senator Wright.

SENATOR WRIGHT: Mr. President, on behalf of Senator Bruno, I wish to call up bill Print Number 934 recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Bill Number 934, an act to amend the

Civil Service Law.

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

ACTING PRESIDENT KUHL: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: Mr. President, I now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR WRIGHT: Mr. President, on behalf of Senator Spano, I wish to call up his bill, Calendar Number 867, Assembly Print Number 2153.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Assembly Number 2153, by member of the Assembly Weinstein, an act to amend the Civil Service Law.

SENATOR WRIGHT: I now move to

reconsider the vote by which this Assembly bill was substituted for bill, Senate Print Number 1213 on May 10th.

ACTING PRESIDENT KUHL: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

SENATOR WRIGHT: I now move that Assembly Bill Number 2153 be recommitted to the Senate Committee on Rules and my Senate bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT KUHL: The Assembly bill will be recommitted. The Senate bill will be restored to Third Reading Calendar.

Senator Present.

SENATOR PRESENT: Mr. President, I reiterate what I have said twice now in the last two days.

ACTING PRESIDENT KUHL: Senator Present, excuse me just a minute. Have some order in the chamber. Recognize your colleague for an important announcement. Senator Present.

SENATOR PRESENT: Mr. President, may I reiterate what I've said the last couple days. Anyone who has a bill to be amended that's on the calendar, that amendment should be submitted prior to our adjournment today. I'm going to call an immediate meeting of the Rules Committee, have the Senate stand in recess awaiting the report of the Rules Committee. We will then adjourn until tomorrow at 11:00 a.m.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Rules Committee in Room 332, the Majority Conference Room. We will be standing at ease. There still are some motions and some resolutions, simply motions to take care of, but we will be adjourning until tomorrow at 11:00 a.m. sharp. Be here promptly.

Senator Santiago.

SENATOR SANTIAGO: Mr. President, I would like to be recorded in the negative on Calendar Number 706 and 708.

ACTING PRESIDENT KUHL: Without objection, Senator Santiago will be recorded in

the negative on Calendar Number 706 and 708.

Senator Rath.

SENATOR RATH: Yes, Mr. President. I wish to call up Calendar Number 1240, Assembly Print Number 8600-B, on behalf of Senator Goodman.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: An act to amend the General City Law, in relation to imposing a duty on street vendors.

SENATOR RATH: I now move to reconsider the vote by which the Assembly bill was substituted for this particular Senate Print Number 8389 on June 21st.

ACTING PRESIDENT KUHL: Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

SENATOR RATH: Mr. President, I now move that the Assembly bill 8600-B be recommitted to the Committee on Rules and that

this particular Senate bill be restored to the order of the Third Reading Calendar.

ACTING PRESIDENT KUHL: Assembly bill will be recommitted; the Senate bill will be restored to the Third Reading Calendar.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted. The Senate will stand at ease awaiting the Rules Committee report.

(The Senate stood at ease from 6:35 to 7:26 p.m.)

ACTING PRESIDENT PADAVAN: Senate will come to order.

Senator Present.

SENATOR PRESENT: Mr. President, I've got a few motions here. Can we take care of them now?

ACTING PRESIDENT PADAVAN: Senator Present, order of motions.

SENATOR PRESENT: M-m h-m-m.

Mr. President, I wish to call up

Senator Skelos' bill, Print 4138-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT PADAVAN: Secretary will read.

THE SECRETARY: By Senator Skelos, Senate Bill Number 4138-A, an act to amend the Public Health Law.

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

ACTING PRESIDENT PADAVAN: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

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

ACTING PRESIDENT PADAVAN: Amendments are received.

SENATOR PRESENT: Mr. President, on behalf of Senator Wright, I call up his bill, Print 6120-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT PADAVAN: Clerk will read.

THE SECRETARY: By the Committee on Rules, Senate Bill Number 6120-A, an act to amend the Public Authorities Law.

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

ACTING PRESIDENT PADAVAN: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

SENATOR PRESENT: Mr. President, the bill is now restored to third place reading, I offer the following amendments.

ACTING PRESIDENT PADAVAN: Amendments are received and the bill is restored to Third Reading Calendar.

SENATOR PRESENT: Mr. President, on behalf of Senator Stafford, I ask for unanimous consent to offer the following amendments on page 45, Calendar 1105, Senate

print 7970, and ask that it retain its place on the Third Reading Calendar, and that the star be removed.

ACTING PRESIDENT PADAVAN: So ordered.

SENATOR PRESENT: Mr. President, on behalf of Senator Libous, on page 43, I offer the following amendments to Calendar 856, Senate Print 7586, and ask that it retain its place on the calendar.

ACTING PRESIDENT PADAVAN: So ordered.

SENATOR PRESENT: Mr. President, on behalf of Senator Skelos, on page 17, I offer the following amendments to Calendar 802, Senate Print 6501-B, and ask that it retain its place.

ACTING PRESIDENT PADAVAN: So ordered.

SENATOR PRESENT: Mr. President, on behalf of Senator Saland, on page 16, I offer the following amendments to Calendar 779, Assembly -- Senate Print 7834-A, and ask that it retain its place.

ACTING PRESIDENT PADAVAN: So ordered.

SENATOR PRESENT: Mr. President, can we return to reports of standing committees.

ACTING PRESIDENT PADAVAN: Reports of standing committees. Senator Present.

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

Senate Bill Number 737, by Senator Holland, Social Services Law;

1064, by Senator Present, an act to amend the Tax Law;

4629-C, by Senator Volker, provide service credit New York State and local employees retirement system;

6410-B, by Senator Holland, Social Services Law;

6537, by Senator Present, an act to amend the Tax Law;

6789-B, by Senator Hannon, an act to amend the Tax Law;

6970-A, by Senator Holland, creating a local cost containment incentive program;

7056-A, by Senator Trunzo, Administrative Code of the city of New York;

7195-A, by Senator Velella, Insurance Law;

7753-A, by Senator Kuhl, Agriculture and Markets Law;

8020, by Senator Johnson, Education Law;

8080-A, by Senator Tully, an act to amend the health -- an act to amend the Public Health Law;

8186, by Senator Lack, Surrogate's Court Procedure Act;

8197, by Senator Galiber, retroactive granting of a senior citizen exemption;

8417-A, by Senator Velella, Insurance Law;

8494, by Senator Sears, to allow Joanne A. Taurisano credit in the New York State

Local Employees Retirement;

8538, by Senator Velella, Administrative Code of the city of New York;

8552, by Senator DiCarlo, Executive Law;

8572, by Senator Mendez, city of New York to reconvey its interest in real property;

8584, by Senator Johnson, providing a retirement incentive;

8606, by Senator Volker, moratorium on requiring any disconnection from the Letchworth State Park water line;

8624, by Senator Padavan, General Municipal Law;.

8630, by Senator Volker, an act to amend the Penal Law;

8652, by Senator Stafford, Retirement and Social Security Law;

8662, by Senator Libous, an act to amend the Tax Law;

8680, by the Committee on Rules, Administrative Code of the city of New York;

8681, by Senator Maltese, an act to amend the Correction Law;

796 -- excuse me, 796-A, by Senator Saland, General Business Law, reported with amendments;

5178-C, by Senator Johnson, restoring Emil G. Pavlik, Jr. to Tier II membership;

5802-A, by Senator Gonzalez, authorizing the city of New York to reconvey its interest in certain property;

6399, by Senator Velella, General Obligations Law;

6693, by Senator Johnson, Domestic Relations Law;

7140-A by Senator Pataki, Criminal Procedure Law;

7494-B, by Senator Bruno, Economic Development Law;

570 -- I'm sorry, 7507, by Senator Rath, optional 20-year retirement;

7535-A, by Senator Seward, an act to amend the Labor Law;

7537, by Senator Seward, Civil Rights Law;

7588, by Senator Kuhl, Workers' Compensation Law;

7644, by Senator Lack, an act to amend the Civil Practice Law and Rules, reported with amendments;

7773-A, by Senator Farley, Vehicle and Traffic Law;

7807, by Senator Pataki, Criminal Procedure Law;

7808, by Senator Pataki, Criminal Procedure Law;

7910, by Senator Saland, Commissioner of General Services to sell certain land;

8093, by Senator Holland, Uniform Justice Court Act;

8390, by Senator Pataki, authorizing the conveyance of certain real property;

8405-A, by Senator DiCarlo, Social Services Law;

8463, by Senator Johnson, County Law;

8544-B, by Senator Sears, Public Authorities Law;

8553-B, by Senator Sears, Public Authorities Law;

8556, by Senator Farley, Education Law;

8690-A, by Senator Nanula, Local Finance Law;

And 4765-A, by Senator Paterson, city of New York to reconvey its interest in certain real property.

All bills reported directly to third reading.

ACTING PRESIDENT PADAVAN: All bills ordered to third reading.

Senator Present.

SENATOR PRESENT: Could we stand at ease for a moment. We got one thing hanging.

ACTING PRESIDENT PADAVAN: Stand at ease for a moment, please.

(The Senate stood at ease briefly.)

Senator Present.

SENATOR PRESENT: Mr. President, in behalf of Senator Johnson, I offer the following amendments to Calendar 1397, Senate Print 8020, and ask that it retain its place on the Third Reading Calendar.

ACTING PRESIDENT PADAVAN: So ordered.

SENATOR PRESENT: Thank you, sir.

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

ACTING PRESIDENT SPANO: Senate is adjourned until tomorrow at 11:00 a.m., sharp.

(Whereupon at 7:40 p.m., the Senate adjourned.)