ALBANY, NEW YORK

March 28, 1995

3:01 p.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 members to find their places. I would ask all of the members of the gallery, the members of the Legislature, rise and join with me in saying the Pledge of Allegiance.

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

We're very pleased today to be joined by Dr. Roger Ellison of the Mountainside Bible Chapel in Schroon Lake to deliver the prayer.

Dr. Ellison.

DR. ROGER ELLISON: Let us pray together. Dear Lord, we call upon You at this time to invite Your presence here in this place. You tell us in Your word that these who are before me are men and women who are appointed at Your hand. They are ministers of God. And so, Lord, I pray for them today, the decisions that they must make, the things that pull them in so many directions. Give O God,

Your wisdom and may the decisions that are made by this assembly be that which would honor You, which would enable Your people to follow You.

Lord, we pray that in every need, personal and public, that are possessed by these dear men and women, that You might be very near, meet those needs today. We pray it in the name of our precious Savior who loved us and gave himself for us in Jesus' name we pray. Amen.

ACTING PRESIDENT KUHL: Reading of the Journal.

THE SECRETARY: In Senate, Monday, March 27th. The Senate met pursuant to adjournment, Senator Kuhl in the Chair. The Journal of Sunday, March 26th, was read and approved. On motion, the 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.

The Chair recognizes Senator Cook.

SENATOR COOK: Mr. President, on page 8, I offer the following amendments to Calendar 108, Senate Print 1538, and ask that said bill be recommitted to the Committee on Education.

And on behalf of Senator Maltese, please place a sponsor's star on Calendar Number 278.

ACTING PRESIDENT KUHL: Sponsor's star will be placed on Calendar Number 278.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, I would like at this time to call an immediate meeting of the Finance Committee in Room 332.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Finance

Committee in Room 332, Majority Conference Room.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: And, Mr. President, at this time I would ask that we move to adopt the Resolution Calendar.

ACTING PRESIDENT KUHL: The motion is to adopt the Resolution Calendar. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, at this time, can we take up the non-controversial calendar?

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

THE SECRETARY: Calendar Number 205, by Senator Nozzolio, Senate Bill 601, an

act to amend the Navigation Law, in relation to public hearings prior to adoption of local laws regulating vessels.

ACTING PRESIDENT KUHL: Lay it aside.

THE SECRETARY: Calendar Number 210, by Senator Stafford, Senate Bill 624, an act to amend the County Law, in relation to authorizing the county of Franklin to appoint three public defenders.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 214, by Senator LaValle, Senate Bill 1368, an act to amend the Town Law, in relation to expending from fire district revenue amounts.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 215, by Senator Larkin, Senate Bill 2090-A, an act to amend -

SENATOR LARKIN: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 217, by Senator Present, Senate Bill 1930, an act to amend the State Administrative Procedure Act.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Bruno, that completes the non-controversial calendar.

SENATOR BRUNO: Mr. President, can we now take up the controversial calendar?

ACTING PRESIDENT KUHL: The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 205, by Senator Nozzolio, Senate Print 601, an act to amend the Navigation Law, in relation to public hearings prior to the adoption of local laws.

SENATOR PATERSON: Explanation,

please.

ACTING PRESIDENT KUHL: Senator Nozzolio, an explanation has been asked for by Senator Paterson.

SENATOR NOZZOLIO: This measure is designed to provide additional notice to those individuals and to provide public hearings when a local law is adopted which would, in some way, change those laws of nagivation in particular areas.

I represent a large coastline of Lake Ontario and, from time to time, there are requests from local governments to change laws governing the bays and harbors of my district.

What this bill does is that - sets a requirement that -- rather than a local government just deciding without having public input, that prior to the adoption of a law regarding a vessel, that they do go out and seek that input and have the benefit of public scrutiny before they engage in official conduct.

This measure passed the Senate

last year 51 to zero and we're hopeful that it will pass the Senate again this year and seek action in the Assembly.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Paterson.

SENATOR PATERSON: Mr. President, would Senator Nozzolio yield for a question?

ACTING PRESIDENT KUHL: Senator Nozzolio, do you yield to Senator Paterson for a question?

SENATOR NOZZOLIO: Certainly.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Senator Nozzolio, the required length of time for posting of notices for village zoning issues, as I understand, is ten days, and it's a pretty important issue for a village to involve itself in. The notice of time that varies on the dissolution of villages is 10 to 20 days. So it seems to me that you have an excessive length of time for notification in your particular bill. Can you explain to me why you arrived at that

amount?

SENATOR NOZZOLIO: I would be glad to, Senator. I know you're most familiar with metropolitan regions of the state, very intensely populated regions that have a great number of rules and regulations on their books. I tend to come from an area of the state that doesn't have as many complex rules and regulations. Many areas in my district have not adopted specific zoning yet. What we're saying is that when -- we're getting to a point where vessels in the use of nagivational waterways is something a little bit different and we're suggesting that that difference be recognized with additional public input.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Paterson.

SENATOR PATERSON: Would the Senator yield for another question, please?

ACTING PRESIDENT KUHL: Senator Nozzolio, do you yield for another question?

SENATOR NOZZOLIO: Certainly.

ACTING PRESIDENT KUHL: The

Senator yields.

SENATOR PATERSON: Has there been a great number of complaints from local governments about local governments setting their own regulations when it came to vessels? Is this something that we really need in light of just a general interest, and even in Governor Pataki's state-of-the-state message, he starts talking about short-circuiting government. Can you explain what the need is that met the threshold that caused you to feel that we needed to change the law?

SENATOR NOZZOLIO: Whenever you have changes in nagivation, those changes are - can only be enhanced by having the people that are most affected know about them. What we're only suggesting here, Mr. Paterson -- Senator Paterson, is that when there are laws regarding the speed of vessel operation anchoring other safety law changes -- it's not just the land use that we're talking about, it's also speed limiting and other questions of vessel operation -- that we believe there needs to be more

review, more input, and that when there is a restriction on the navigable water that was heretofore not made, we think that to welcome public comment makes sense.

ACTING PRESIDENT KUHL: The Secretary -

Senator Dollinger.

SENATOR DOLLINGER: Yes, Mr. President. Would the sponsor yield for a question?

ACTING PRESIDENT KUHL: Senator Nozzolio, do you yield to Senator Dollinger? The Senator yields.

SENATOR DOLLINGER: I understand, and I appreciate the explanation of this bill. I think there's some very good things about it that will provide additional notice, but my question is this bill is really a form of mandate, isn't it, to local governments to do something? Aren't we telling them to do something that they don't currently do?

SENATOR NOZZOLIO: We're suggesting that local governments, when dealing

with an issue of nagivation, extend a public hearing process so that those who will be most impacted would be most familiar with the suggested change.

SENATOR DOLLINGER: But we're telling them they must hold a hearing. We're mandating that they hold a hearing. We're mandating that they hold -- they require notice, and we're mandating where they put that notice. I guess my question, again through you, Mr. President, if the sponsor would continue to yield is -

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

SENATOR DOLLINGER: I know that this Legislature -

ACTING PRESIDENT KUHL: Senator Dollinger -- excuse me. Senator Nozzolio, do you continue to yield?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator continues to yield, Senator Dollinger.

SENATOR DOLLINGER: I know that the Majority in this body has consistently passed all three -- I believe all three years that I have been here, that we would not pass unfunded mandates on to local government, and I think I've supported that. I think it's been supported by the Majority. I think it's been supported by members of the Democratic side, but yet it appears as though we're passing a mandate here that doesn't have any funds attached to it. Local communities will have to pay for this notice. They'll have to pay to hold the hearing. They'll have to pay for the administrative time, the help that's going to be needed at this, and my question is, is this a good mandate that should be unfunded or should we put some funds attached to this? Through you, Mr. President.

SENATOR NOZZOLIO: Mr. President, I'm not sure whether or not the Senator was a member of this body last year and voted for this measure, but the likelihood is that he was. I would suggest that notice, when there is a law

change, is a requirement that is in this case, one, based on public safety, and that through personal experience in communities that have changed the Navigation Law, the expense of properly administering that change has been a costly experience that we believe could actually be reducing in -- reduced in cost if proper notice was provided.

So, my colleague, I would dare suggest this measure, if implemented, would actually save local governments cost because it would provide adequate notice to those most affected by the law that I should hasten to add is to be changed not by a mandate from this body, but by the local government's own request.

It's the local government that's asking the opportunity to change the speed limit. It's the local government that may be asking to change the Moorings Law, the other laws that may impact on the nagivation of vessels. It's the local governments that are asking for this authority. It's the local

governments that are making the decision that the laws need to be changed. We're suggesting to the local government, if you make that step, if you take that step and wanted to change the law, that at the very least you need to get input from the public before changing the law.

SENATOR DOLLINGER: Again through you, Mr. President, if Senator Nozzolio would yield to just one more question.

ACTING PRESIDENT KUHL: Senator Nozzolio, would you yield to just one more question? The Senator yields to one more question.

SENATOR NOZZOLIO: If the Senator promises this is the last question, I would be happy to yield.

SENATOR DOLLINGER: Absolutely.

ACTING PRESIDENT KUHL: He's happy to yield, Senator Dollinger.

SENATOR DOLLINGER: Is there anything in current law which prohibits the local communities from holding this hearing themselves and paying for the cost themselves

without this legislation?

SENATOR NOZZOLIO: Not to my knowledge.

SENATOR DOLLINGER: Okay. Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Dollinger on the bill.

SENATOR DOLLINGER: I guess sitting in this chamber for the last three years, two and a half years, I have become more sensitive to the issue of unfunded mandates.

I've heard members of the other side of the aisle talk about things we require local governments to do that they could do themselves, things that we require them to pay for that they could decide to pay for themselves, and I've heard lots of discussion in this chamber, I think, from both sides of the aisle in which people have said, "We shouldn't require local governments to do that. They can do that all by themselves", and most importantly, if we're going to require them to do something, we ought to pay for it ourselves.

We ought to put funds attached to it so that we don't run into the problem, the one thing we don't want to give our local communities, unfunded mandates, that you have to do something but yet we don't have to pay for it. We're going to tell you to do it but you pay for it.

I've heard the litany in this chamber of all of those instances in which we tell local communities, "Do it but don't ask us for the money to support it." Maybe it's the enlightenment that comes from sitting in this chamber for the last two and a half years, but it seems to me that this bill fits that exact description.

My question to the Majority in this chamber is, do you believe that we should have no unfunded mandates? If you do, you have to vote against this bill, or instead, do you believe there are some good unfunded mandates, and this is one of those good ones, and that there's some bad unfunded mandates that it's okay to vote against? It seems to me that what I'm looking for is maybe a little tiny strand of

consistency in this body's approach to the concept of unfunded mandates.

If you vote for this, you're voting for an unfunded mandate. You might as well recognize it. I guess I've learned enough in this chamber that I'm going to vote against this unfunded mandate, and if local communities, when they're changing the Nagivation Law -- I agree with Senator Nozzolio, there ought to be widespread publication of that. That's a decision that can be made entirely by local communities. Let them make it. Don't tell them "You've got to make it. You've got to hold a public hearing. You've got to spend your time and effort. You've got to spend overtime. You've got to spend publication cost, but we're not going to pay for it." That's the prima facie definition of an unfunded mandate. I'm not going to vote for this one.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Paterson.

SENATOR PATERSON: Mr. President, would the sponsor yield for one more question?

ACTING PRESIDENT KUHL: Senator Paterson, can I interrupt you for just a moment?

SENATOR PATERSON: Sure.

ACTING PRESIDENT KUHL: Senator DeFrancisco, is there something you would like to announce?

SENATOR DeFRANCISCO: Mr. President, on behalf of the Majority Leader, I would like to call a Rules Committee meeting, an immediate Rules Committee meeting in Room 332 of this building.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Rules Committee in Room 332 immediately.

Thank you, Senator Paterson. Senator Paterson, you have the floor.

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

I was inquiring as to whether the sponsor would yield for another question.

ACTING PRESIDENT KUHL: Senator Nozzolio, do you yield to Senator Paterson?

SENATOR NOZZOLIO: Certainly.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Senator, if we take into account what Senator Dollinger is saying, and we now want to explain to Senator Dollinger why in a sense there is a supervening cause that makes us create the demand that we are in this legislation of local governments, my question to you is who is really benefiting from the adoption of this law?

The New York State Conference of Mayors and Municipal Officials is opposed to it. I think they think that this is burdensome for local government. They say it's unwarranted, it's unnecessary. In other words, I don't understand who this legislation serves. Maybe you can explain that to me.

SENATOR NOZZOLIO: This legislation, my colleagues, is designed to save local governments money, to make their jobs more cost-effective. Unlike Senator Dollinger's characterization, this is not a requirement on

every local government. This is simply a suggestion, a requirement, to those local governments that are changing the Navigation Law, that come to this body and ask this body for the authorization oftentimes to change a speed limit on a lake; to change a speed limit on a bay; to change the Mooring Laws. The local government is initiating this process. We're saying to the local government, "If you want to initiate this process, then you must ensure that public input is first established." That is a threshold predicate for the opportunity to change the law.

The local government doesn't have to engage in changing the law unless it wants to. This is purely a voluntary situation. It's purely a voluntary action by the local government. To suggest otherwise is a coating of this issue with a taint that, I believe, is motivated more on other grounds than on the four squared grounds of this legislation.

This legislation simply says that, if the local government takes the

initiative to change the law, we want to establish some assurances that the public has been given proper opportunity to present input.

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

SENATOR PATERSON: Mr. President. Thank you, Senator Nozzolio, for the answer.

I'm not disagreeing with you, Senator. What I am suggesting is that, you're right, it does not make a requirement of local governments, but what happens is that when local governments make an attempt to regulate vessels in a certain way, then there is the attachment that these, I think, rather strict demands, as I pointed out earlier, stricter than, in some cases, the dissolution of a village, in some cases some very important things, and this pertains to the rules about vessels, and what I just am not understanding is why is it that if we're going to be this strict -- what was it that caused us to want to be this way? Not the local governments. They seem to be opposed to.

Is it public safety? In other words, I'm just trying to find an answer as to why we have to do something that, in some cases we have quintupled the time of notific... the written notification is 60 days under your bill.

So I'm just trying to ask, what was it that caused us to, in effect, for want of a better expression, to come down this hard on the local governments?

ACTING PRESIDENT KUHL: Senator Paterson, are you asking Senator Nozzolio to yield to the question?

SENATOR PATERSON: That's a question for the Senator.

ACTING PRESIDENT KUHL: Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, I yielded to Senator Paterson's last question four questions ago. I'll stand by my previous answer.

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

SENATOR PATERSON: Then it was -

if Senator Nozzolio would yield to a new question. Would you like me to find a new question, Senator?

ACTING PRESIDENT KUHL: Senator Nozzolio, do you yield to a question from Senator Paterson?

SENATOR NOZZOLIO: Senator, I will continue to yield.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Thank you.

What constitutes a vessel? In other words, how large is the ship before it's a vessel?

SENATOR NOZZOLIO: I believe that's defined in the Navigation Law, Senator.

SENATOR PATERSON: I know that. I just assumed that you read the Navigation Law before you wrote the bill. I just wanted to know.

SENATOR NOZZOLIO: I don't have that information in front of me, Senator.

SENATOR PATERSON: All right.

Well, then -

SENATOR NOZZOLIO: It's a definition that's in the Navigation Law that governments have the authority to regulate the operation of vessels, that's boats, could be rowboats, could be powerboats, it could be ocean liners. It runs the gamut, Senator.

SENATOR PATERSON: So it's not the size of the ship; it's the motion of the ocean, I guess.

Senator, the reason I was asking the question was I wanted to know how many individuals; what size of -- of the public is actually affected by this legislation?

SENATOR NOZZOLIO: Anyone, Senator, that uses the navigable waterway that happens to be subject to changes by those local governments who wish to change the law regulating vessel nagivation within their jurisdiction.

SENATOR PATERSON: Thank you very much, Senator.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 100th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Paterson to explain his vote.

SENATOR PATERSON: Actually, Mr. President, I would like to ask for a slow roll call on this issue.

ACTING PRESIDENT KUHL: Are there five Senators in the chamber who are desirous to have a slow roll call?

Seeing five, the Secretary will call the roll slowly.

SENATOR NOZZOLIO: Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Nozzolio.

SENATOR NOZZOLIO: Star the bill.

ACTING PRESDIENT KUHL: The roll call is withdrawn. The star is placed at the request of the sponsor on the bill.

The Secretary will continue to call the controversial calendar.

THE SECRETARY: Calendar Number 210, by Senator Stafford, Senate Print 624, an act to amend the County Law, in relation to authorizing the county of Franklin to appoint up to three public defenders.

ACTING PRESIDENT KUHL: Senator Stafford, an explanation of Calendar Number 210 has been asked for by Senator Paterson.

SENATOR STAFFORD: Thank you, Mr. President.

I will attempt to explain what appears to be a complicated situation in a rural county which isn't complicated.

The problem now is they have one public defender, one office, a number of attorneys, and they have cases where they need to have public defender-type people on both sides. Due to the fact they're in that office, they can't represent both sides in that office even though there are two different attorneys and, therefore, they have to go out and get an

assigned attorney. It costs a lot more money, and it's a real problem.

What this will do -- and it's a pilot project, and I'm quite proud that some of us thought this up together. Franklin County is a very, as I say, rural, and it is a long, so to speak, county, narrow. We can have three separate public defender offices. Therefore, if they do have cases where they have to have a public defender on each side, they will be able to use a public defender from another office to come in. It's just like another law firm, just like another law firm. It will save a great deal of money, and I think it's good common sense.

ACTING PRESIDENT KUHL: Senator Abate.

SENATOR ABATE: Yes. Would Senator Stafford yield to a question?

ACTING PRESIDENT KUHL: Senator Abate -- Senator Stafford, do you yield to Senator Abate?

SENATOR STAFFORD: By all means.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR ABATE: I agree with your conclusion that it is admirable that what's being considered through this bill is an expansion of the public defender's office from one office to three to allow them to handle conflict cases when there are co-defendants, or when one attorney may represent the victim and cannot represent the defendant. There are a number of conflicts, and I certainly understand the need to have separate public defender's offices.

My question is, however, under County Law, though, it prohibits the sharing of resources from one office to another. How do you suggest that the two newly formed offices will be able to operate without a new appropriation since they cannot share resources; they cannot share the one investigator; they cannot share the library; they can't share administrative staff?

SENATOR STAFFORD: Good

question. I might add -- this is just my own personal opinion -- I think that's some common sense that we should put into the County Law, so maybe we can work together so we don't even have the issue, but this is different because of the separate appropriations; it is two different offices. Each office is taking their responsibility, his or her responsibility just as each department does in their county. I answered that question in the beginning.

SENATOR ABATE: Is there a way that you would consider amending it and not amending it through the County Law but through an executive budget bill so that we can allow for the appropriation of these two newly formed offices?

SENATOR STAFFORD: I certainly will consider -- I think it's a very interesting suggestion. Due to the fact this is a pilot project, I really would like to try to do this and get it -- get it into law. I think probably law might be better than the budget.

SENATOR ABATE: M-m h-m-m. But I

-- would the Senator yield to another question?

ACTING PRESIDENT KUHL: Senator Abate -- Senator Stafford, do you yield to another question? The Senator yields.

SENATOR ABATE: My concern is that any time a county would have a problem such as this, would we want to intervene in 62 counties to resolve this problem; and wouldn't we be better off doing it through Executive Law?

SENATOR STAFFORD: Well, of course, I would say that I'm sure if you had this problem in your area, you would be intervening just like I'm intervening. I think overall we should probably revise the law. I would go toward the County Law.

SENATOR ABATE: I have one last question if the Senator would yield.

ACTING PRESIDENT KUHL: Senator Stafford, do you yield to one last question from Senator Abate?

(Senator Staffords nods head.)

ACTING PRESIDENT KUHL: The

Senator yields.

SENATOR ABATE: I'm told the Office of Court Administration objects to this, opposes this bill. Do you know why?

SENATOR STAFFORD: I guess right now they are not evidencing opposition. They opposed it last year. I say this with all of the good humor and good will that I can muster, because like you, I have some very good friends involved in the Office of Court Administration, but we find ourselves, quite often, not agreeing completely when you get the rural courts.

SENATOR ABATE: On the bill.

ACTING PRESIDENT KUHL: Senator Abate on the bill.

SENATOR ABATE: Although I will probably support this bill, I hope that Senator Stafford will look to amend this bill in the future, because my concern is, although the intentions are good and there is a need because of ethical rules to establish three separate public defender offices, without appropriation, now the county I'm told has three part-time

attorneys and one investigator and administrative staff for only one office. So, in essence, we're encumbering the delivery of defense services through this bill in the short term if it's not followed by an appropriate appropriation bill.

So, Senator Stafford, I would be willing to work with you and your staff to see that we have adequate follow-up to this piece of legislation.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Paterson.

SENATOR PATERSON: Mr. President, would Senator Stafford yield for a question?

SENATOR STAFFORD: By all means.

ACTING PRESIDENT KUHL: Senator Stafford, will you yield? The Senator yields.

SENATOR PATERSON: Senator Stafford, in the Governor's veto message from last year, the previous governor, they pointed out that the Public Defenders Association had some implementary problems with this particular bill, some related to the 18-b panel that it

sort of compromises the value of 18-b. I wanted to know, since that time last year, have you talked to the Public Defenders Association? Do you have an idea what it is that disturbs them so much about this legislation?

SENATOR STAFFORD: Of course, any good organization -- we're interested in a statewide program and statewide funding. I've worked with the defenders. It's an excellent organization. This is a pilot program. The - as far as the veto message goes, again, we thought at the time that -- that the Governor was getting some very poor advice, and I guess that was proven right.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Senator.

I'm just a little unclear. The advice that he got was not the best advice because of what?

SENATOR STAFFORD: Senator, the way we want to do it and do something sensible

to have a program where they have three separate entities, save the county money and not necessarily be interested in just building a statewide organization that I've supported and you have.

SENATOR PATERSON: That's right, Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: The -- if Senator Stafford would yield for just another question.

ACTING PRESIDENT KUHL: Senator Stafford, do you yield for another question from Senator Paterson? The Senator yields.

SENATOR PATERSON: Is there equity in the three separate offices that would be set up? In other words, have we researched this enough to know that there -- if Senator Stafford can hear me -

SENATOR STAFFORD: Yes.

SENATOR PATERSON: Thank you.

SENATOR STAFFORD: There is, and

you being a good lawyer, you're pointing out, if you're going to have three separate law firms, you have to have three separate law firms all with the same power, all being a, as I say, individual entity, and this is what we have here.

ACTING PRESIDENT KUHL: Senator Paterson, do you wish to continue to have the floor?

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

ACTING PRESIDENT KUHL: Senator Paterson, excuse the interruption just a minute.

Ladies and gentlemen, it's getting kind of noisy in here, and it's a little difficult when you have some soft-spoken people trying to answer questions and ask questions, so if we could just kind of keep it down. I know it's a very busy day. We've got a lot of work ahead of us. Just keep it down so we can show a little respect for the members who have the floor.

SENATOR PATERSON: Thank you, Mr. President.

A point well taken. I'm glad you advised us of that. If Senator Stafford would continue to yield.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR PATERSON: I just have this question when it comes to the savings to the county. I didn't really feel that the public defender's office's real nature was to save the county money, Senator Stafford. I thought what we are really doing in these types of situations is to fulfill our constitutional protections to individuals who are in the legal predicament that they're in and to provide legal counsel to the indigent.

SENATOR STAFFORD: That's right. I agree with you. When I was chairman of Codes, I worked very closely with the public defenders, and I think that they are -- where they are right now is because of hard work by your father, you, myself, and many others, and I am a

supporter of the public defenders, and that's the way it should be in this country.

This, I only pointed out, was that the county, rather than having to go out and get a separate assigned counsel, would use someone who is paid a yearly salary and, therefore, you wouldn't have these additional costs. That's all.

SENATOR PATERSON: Okay. Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you.

Senator Stafford served in the Senate not only with me but also with my father so he can see the diminished capacity as it passes down through my family.

SENATOR STAFFORD: That's not true.

SENATOR PATERSON: I just have one other question, subpoena -- no, that's not it, Mr. President.

My question to Senator Stafford

is that there is a reporting requirement inherent in this piece of legislation, and my final question, Senator, is that we notice in the reporting requirement that it does not include the Minority Leader of this Senate. Do you think that in the future you could amend this bill to provide that?

SENATOR STAFFORD: Certainly, I don't -- I remember -- I'm trying to think out loud here, the Minority Leader of the Assembly or Senate is not in it, but I certainly would consider a chapter amendment.

SENATOR PATERSON: Thank you.

That's very gracious, Senator, and thank you for answering my question.

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

Senator Waldon.

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

Would the good Senator Stafford from the great north country suffer -- Warren

County, Washington, Essex, Clinton and Franklin and Hamilton -- suffer a question or two?

SENATOR STAFFORD: By all means.

ACTING PRESIDENT KUHL: Senator Stafford yields.

SENATOR STAFFORD: Every once in a while my bills gets these good brilliant minds. I consider you one of them.

Thank you.

SENATOR WALDON: I appreciate your generosity, Senator. I'm glad that you would think of anyone in this chamber equal to such a high calling as to be brilliant.

SENATOR STAFFORD: Not everyone.

SENATOR WALDON: Not everyone? Well, I appreciate that too.

Senator, would you please advise us of the fiscal impact? You may have done that while I was out of the chamber and I apologize for my ignorance. What is the fiscal impact of the creation of these new offices?

SENATOR STAFFORD: Senator, to the state, none, and as we explained earlier, as

far as the separate budgets from each county attorney's position and then when you added them up for the county, we suggest it will be less.

SENATOR WALDON: Okay. I thank you for that.

Would the Senator yield to another question?

ACTING PRESIDENT KUHL: Senator Stafford, do you yield to another question? The Senator yields.

SENATOR WALDON: I again apologize for my ignorance. I tried to quickly read the bill as you were speaking with the learned Senator from the very nice town of Harlem, David Paterson, in regard to the types of people who will be defended by this defender's office. Is it only the criminal element?

SENATOR STAFFORD: Excellent question. No. Also, you would have -- some Family Court proceedings would be involved here. Good question.

SENATOR WALDON: So this would be

a rather universal office in terms of taking care of the needs of all of the people?

SENATOR STAFFORD: Right.

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

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

THE SECRETARY: Section 7. This act shall take effect -

SENATOR PATERSON: Slow roll call.

THE SECRETARY: -- immediately.

ACTING PRESIDENT KUHL: Call the roll slowly. Are there five Senators wishing to have a slow roll call?

Seeing five, call the roll slowly.

THE SECRETARY: Senator Abate.

SENATOR ABATE: Yes.

THE SECRETARY: Senator Babbush.

(There was no response.)

Senator Bruno.

SENATOR BRUNO: Yes.
THE SECRETARY: Senator Connor.
(Affirmative indication.)
THE SECRETARY: Yes.
Senator Cook.
(There was no response.)
Senator DeFrancisco.
SENATOR DeFRANCISCO: Yes.
THE SECRETARY: Senator DiCarlo.
SENATOR DiCARLO: Yes.
THE SECRETARY: Senator Dollinger.
(There was no response.)
Senator Espada.
SENATOR ESPADA: Yes.
THE SECRETARY: Senator Farley.
SENATOR FARLEY: Aye.
THE SECRETARY: Senator Galiber.
(There was no response.)
Senator Gold.
(There was no response.)
Senator Gonzalez.
SENATOR GONZALEZ: Yes.

THE SECRETARY: Senator Gonzalez.
SENATOR GONZALEZ: Yes.
THE SECRETARY: Senator Goodman.
SENATOR GOODMAN: Yes.
THE SECRETARY: Senator Hannon.
SENATOR HANNON: Yes.
THE SECRETARY: Senator Hoblock.
SENATOR HOBLOCK: Yes.
THE SECRETARY: Senator Hoffmann.
(There was no response.)
Senator Holland.
SENATOR HOLLAND: Yes.
THE SECRETARY: Senator Johnson.
SENATOR JOHNSON: Aye.
THE SECRETARY: Senator Jones.
SENATOR JONES: Yes.
THE SECRETARY: Senator Kruger.
(There was no response.)
Senator Kuhl.
SENATOR KUHL: Aye.
THE SECRETARY: Senator Lack.
(There was no response.)
Senator Larkin.

SENATOR LARKIN: Yes.
THE SECRETARY: Senator LaValle.
SENATOR LAVALLE: Aye.
THE SECRETARY: Senator Leibell.
SENATOR LEIBELL: Aye.
THE SECRETARY: Senator Leichter.
SENATOR LEICHTER: Yes.
THE SECRETARY: Senator Levy.
SENATOR LEVY: Aye.
THE SECRETARY: Senator Libous.
SENATOR LIBOUS: Aye.
THE SECRETARY: Senator Maltese.
(There was no response.)
Senator Marcellino.
SENATOR MARCELLINO: Aye.
THE SECRETARY: Senator Marchi.
SENATOR MARCHI: Aye.
THE SECRETARY: Senator Markowitz.
(There was no response.)
Senator Maziarz.
SENATOR MAZIARZ: Aye.
THE SECRETARY: Senator Mendez.

(There was no response.)

Senator Mendez.

(There was no response.)

THE SECRETARY: Senator Montgomery.

SENATOR MENDEZ: Yes.

SENATOR MONTGOMERY: Yes.

THE SECRETARY: Senator Nanula.

SENATOR NANULA: Aye.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: Aye.

THE SECRETARY: Senator Oppenheimer.

(There was no response.)

Senator Padavan.

(There was no response.)

Senator Paterson.

SENATOR PATERSON: Yes.

THE SECRETARY: Senator Present.

SENATOR PRESENT: Aye.

THE SECRETARY: Senator Rath.

SENATOR RATH: Aye.
THE SECRETARY: Senator Saland.
SENATOR SALAND: Aye.
THE SECRETARY: Senator Santiago.
(There was no response.)
Senator Sears.
SENATOR SEARS: Aye.
THE SECRETARY: Senator Seward.
SENATOR SEWARD: Aye.
THE SECRETARY: Senator Skelos.
SENATOR SKELOS: Aye.
THE SECRETARY: Senator Smith.
(There was no response.)
Senator Solomon.
(There was no response.)
Senator Spano.
(There was no response.)
Senator Stachowski.
SENATOR STACHOWSKI: Yes.
THE SECRETARY: Senator Stafford.
SENATOR STAFFORD: Aye.
THE SECRETARY: Senator Stavisky.
(There was no response.)

Senator Trunzo.

SENATOR TRUNZO: Yes.

THE SECRETARY: Senator Tully.

(There was no response.)

Senator Velella.

(There was no response.)

Senator Volker.

SENATOR VOLKER: Yes.

THE SECRETARY: Senator Waldon.

SENATOR WALDON: Yes.

THE SECRETARY: Senator Wright.

SENATOR WRIGHT: Aye.

ACTING PRESIDENT KUHL: The Secretary will call the absentees.

THE SECRETARY: Senator Babbush, excused.

Senator Cook.

(There was no response.)

Senator Dollinger.

SENATOR DOLLINGER: Aye.

THE SECRETARY: Senator Galiber.

(There was no response.)

Senator Gold.

(There was no response.)

Senator Hoffmann.

(There was no response.)

Senator Kruger.

SENATOR KRUGER: Yes.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Maltese.

(There was no response.)

Senator Markowitz.

SENATOR MARKOWITZ: Yes.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Yes.

THE SECRETARY: Senator Santiago.

(There was no response.)

Senator Smith.

(There was no response.)

Senator Solomon.

SENATOR SOLOMON: Yes.

THE SECRETARY: Senator Spano.

(There was no response.)

Senator Stavisky.

(There was no response.)

Senator Tully.

SENATOR TULLY: Aye.

THE SECRETARY: Senator Velella.

SENATOR VELELLA: Aye.

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Ayes 50, nays zero.

ACTING PRESIDENT KUHL: A close vote. The bill is passed.

Calendar Number 214, by Senator LaValle -

ACTING PRESIDENT KUHL: The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, can we return to reports of standing committees? I believe there's a report from the Rules Committee. Can we move its adoption at this time?

ACTING PRESIDENT KUHL: We'll return to reports of standing committees. The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills: Senate Print 1552-A, an act making appropriations for the legal requirements of the state debt service and lease purchase payments.

Senate Print 1826-B, budget bill, an act to amend the Social Services Law, in relation to eliminating reimbursement to Social Services districts for brokers' fees, finders' fees and rental security deposits.

Senate Print 3682, by Senator Bruno, an act to amend the State Administrative Procedure Act, in relation to agency review of existing rules and their effectiveness.

Senate Print 3683, by Senator Bruno, an act to amend the Environmental Conservation Law, the State Administrative Procedure act, the Public Health Law and the State Finance Law, in relation to enacting the Environmental Regulatory Reform Act of 1995.

All bills ordered directly for third reading.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Bruno. Motion to accept the third reading -- the reports of standing committees and Rules report, Senator Bruno?

SENATOR BRUNO: Move to accept the report, Mr. President.

ACTING PRESIDENT KUHL: All those in favor signify by saying aye.

The Chair recognizes Senator Paterson.

SENATOR PATERSON: Mr. President, regrettably, I object to the acceptance of this particular report. This report has a lot of reforms in it that it proposes, and since we're speaking of reforms, I think that one of the issues that we wanted to reform, all of us as a government, as a state Senate, is the process by which we make decisions.

We are in the week in which we would hopefully pass the budget on April 1st, and with that seasonable period approaching us, there are some very specific items in which I think we have to be scrupulously fair to each

other's opportunity to address certain issues.

The Rules report that we are about to accept, from what I understand of it, contains four bills that will direct very much the progress of our citizenry within the next fiscal year, 1995-96. However, with these four reports or four bills included in one report, we are going to make a lot of social and economic reforms; reforms of which our conference was unfamiliar until roughly the past few days.

There have been no hearings on these bills. There's been no proper use of the committee process on these bills. We do have a process -- there's nothing wrong with the process of reporting the bills to the Finance Committee, the Finance Committee then voting on it and then reporting it to the Rules Committee and then reporting it to the floor, and we can use the broad supervisory power of the Senate to do that in emergency situations, but these are issues that we all know very well and that we will be presumably debating, discussing and dialoguing about in this particular process.

I don't understand how we can do that without a proper and a fair period of time to analyze all of these bills, and I wanted to get up at this time and express that sentiment and move to oppose the Rules report, Mr. President.

ACTING PRESIDENT KUHL: Motion is to -- Senator Leichter.

SENATOR LEICHTER: Yeah, Mr. President. I think that Senator Paterson made a very persuasive point. I want to say that I'm particularly distressed as the ranking Minority member of the Environmental Conservation Committee that a bill which is so important to the environment did not get a chance to be considered by that committee.

Mr. President, I'm sorry to say that we're establishing a very bad precedent of bypassing committees on important measures. Earlier this session we had the bill reimposing capital punishment that did not go to the Codes Committee. Now, eventually another bill was fashioned which did come before the committee.

Now we have two substantive bills dealing with regulations that affect each and every person in the state, and I think that we're going to show you that it affects people in a very deleterious, harmful manner. That ought to be considered.

Senator Bruno, if you want to get rid of committees, let's just get rid of committees, but to have committees there sort of as supernumeraries, you know, send them unimportant bills, but if there's something important, you rush it out to the floor; you ignore members who have some expertise in these areas who can contribute to the committees. I think it's un... I think it's unfortunate. There's no reason these bills have to be rushed to the floor for vote at this time. And I would hope very much that on reconsideration, that we would not accept the motion to move these to third reading and that we would follow our procedures.

I just want to point out, you can trample on procedures because your ideas -- we

can always trample on the Minority, but when you trample on procedures, you not only trample on this Minority, but you trample on the tradition on the integrity of the Senate. You trample on protections that exist for the public. That's why we have committees. That's why we hold discussions. That's why we deliberate. That's why sometimes we have hearings so that there is a process so that what eventually comes out of this chamber is passed by the Assembly, goes to the Governor, is a considered measure. We are foregoing that protection to the public and I think it's regrettable and should not be done.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, I was hoping that we might avoid this kind of rhetoric that we're about to engage in for the next maximum of one half hour on this resolution.

We all know that we are starting a budget process here. We all know that there are rules and regulations that this Senate

abides by, and we all know that the rules and regulations establish a procedure to move legislation to the floor when necessary, when appropriate, exactly through the procedure that is established by the rules and reg's of this house.

This is not extraordinary, Mr. President. This is ordinary procedure under the circumstances that we find ourselves in today. We have two messages of necessity from the Governor who thinks what we're doing is important, and he represents not one district, but the entire state of New York.

So we can engage in rhetoric. We can engage in a procedure to delay the Senate moving forward in passing a budget. I only wish, Senators, that you might have been able to relate to the Speaker of the Assembly, a colleague of yours, to engage in meaningful discussions that would have allowed us to move these bills with three-way agreement rather than two-way agreement. That would have been preferable.

SENATOR LEICHTER: Mr. President.

SENATOR BRUNO: And we are still waiting -- we are still hoping that the Speaker will engage in meaningful discussion.

So I am standing, Mr. President, so that we establish very clearly that we are following the rules and regulations of this house and nothing else, and at the same time, I am very pleased, Senator, that you want to follow the procedures that are the regulations and rules of this house because I totally agree with you, Senator, and I will remind you, Mr. President, that any bill that comes before the floor, the maximum for debate including amendments is two hours, and there will be two minutes to explain your vote. And on a motion such as this one, we have one half hour debate on that side and one half hour debate on this side. And we can stay here and listen to the delays for whatever the appropriate hours are, but I'll ask you, Mr. President, to be diligent in helping us abide by the rules of the Senate.

We are not a mob. We're not a

mob. We don't make up rules as we go along. We don't make up rules to suit ourselves. We don't make up rules when we think they're appropriate. We follow the rules established by this body that goes back decades, and that's the rule that gets this bill before this house.

Mr. President, I only say this to remind my very, very distinguished colleague, Mr. Leichter, that I see the Senator is still on his feet and apparently has something to say.

ACTING PRESIDENT KUHL: Before Senator Leichter, Senator Waldon.

SENATOR WALDON: I have a question also, Senator Leichter.

SENATOR LEICHTER: Ask your question.

SENATOR WALDON: Thank you very much. I appreciate your deference.

ACTING PRESIDENT KUHL: Senator Bruno, do you yield to a question from Senator Waldon? The Senator yields.

SENATOR BRUNO: Yes, Mr. President.

SENATOR WALDON: The distinguished Leader of the Senate from Rensselaer and Saratoga County, I too am aware of rules and procedures, and in reviewing the material -- excuse me -- contained in Budget Bill Number 91, I believe is the designation which deals with income maintenance, I became aware or reflected upon Article 17 of the Constitution. Are you familiar with that article, Senator Bruno?

SENATOR BRUNO: I am not intimately aware of it, Senator, but I would appreciate you making me more familiar with it, if you would.

SENATOR WALDON: I'll try in my fumbling way, Senator, to do that. I am not overly familiar, but my staff did remind me that it says that there's an obligation of the state to take care of the indigent. That's the basic tenet of that portion of Article 17 that I would appreciate your addressing, because in the bill which is part of the package that you've asked us to accept, we are going to do -- if passed as

it is written, do some extraordinary things which, in my opinion, would violate the Constitution of our state, and if we're going to conform to procedures, then I would beg that we also conform to the Constitution of the state of New York.

Would we, by now changing the manner which we take care of the indigent in this state, not be in violation of the Constitution of the state of New York? Mr. President, if I may through you, ask that question of the learned Senator.

SENATOR BRUNO: Senator, thank you.

My very learned colleague, Senator Holland, was whispering in this ear while I was listening to you with this ear, and he says that that same article indicates that it is up to the Legislature to change the rules as they deem appropriate, and that's what this bill on the floor will do if you, Senator, in your wisdom, allow us to proceed to discuss the merits of the bill rather than a procedural

question on getting the bill to the floor.

SENATOR WALDON: Well, Mr. President, if I may. I assure you, Senator, that this is -

ACTING PRESIDENT KUHL: Senator Waldon, are you asking Senator Bruno to yield?

SENATOR WALDON: Yes. Would he continue to yield?

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

SENATOR BRUNO: Yes, Mr. President.

SENATOR WALDON: I assure you, Senator Bruno, this is not a cavalier act on my part. It's a genuine interest. I am very sensitive to the Constitution of this state. I'm also sensitive to our needs as a Legislature to take care of the needs of those who are at least able to take care of themselves.

So I would ask, could you as a leader of our body, have an official decision rendered in regard to what the true intent of the Constitution is regarding Article 17,

because I have such a great variance in my understanding with the learned Senator, Senator Holland from Rockland and Orange Counties, so that I would be totally edified as well as all of our 59 colleagues, your 59 colleagues and my 59 -- 59 colleagues which make you and I 61. Is that possible?

SENATOR BRUNO: Senator, it is not practical. I would like to accommodate you. If it was within my power, I would, but I really think that that is a matter that could only be decided in the courts because we feel that we are proceeding within the range that the Constitution affords us.

SENATOR WALDON: Mr. President, in closing. I thank very much the learned Senator -

ACTING PRESIDENT KUHL: Senator Waldon, are you asking Senator Bruno -

SENATOR WALDON: I'm going to sit down.

ACTING PRESIDENT KUHL: I'm going to suggest, Senator Waldon, that you then sit

down because Senator Bruno had the floor and Senator Dollinger was next on the list. So if you would like to speak, I would be happy to do that, but we're trying to follow the rules of procedure here.

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

SENATOR PATERSON: Mr. President.

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

SENATOR PATERSON: Mr. President, I thought that Senator Leichter was next in line. I'm not sure.

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

SENATOR LEICHTER: I sought to, Mr. President. I then yield to -- my distinguished colleague from Queens had a pressing question that I -

ACTING PRESIDENT KUHL: Would you like to -

SENATOR LEICHTER: -- instead of side bar, I would just like to ask Senator Bruno

a question.

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

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR LEICHTER: Senator, let me first say, I'm delighted to be part of "Camp Bruno" but, Senator, you made a point about the budget and we need to pass the budget, and so on, and I want to make it very clear that no - nothing that I said or Senator Paterson said at all questioned two of the bills which happened to be budget bills, whether we liked the bills or not. We're going to comment on that, but we did not object to moving those to third reading, but there were two bills here, Senator, that are being sponsored by you, 3682 and 3683. Those are not Article 7 bills. Those are not budget bills; isn't that a fact, Senator Bruno?

SENATOR BRUNO: Senator, I, with great pleasure, inform you that those two bills

were introduced last Thursday, and they are aged and they are appropriately before this house without cutting any corners at all, and I'm surprised that you haven't been staying up nights studying those bills so that you would have known they were introduced last Thursday.

SENATOR LEICHTER: Senator, I don't think you understood my question.

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

SENATOR LEICHTER: Yes.

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

SENATOR LEICHTER: If my good friend, Senator Bruno, would yield.

Senator, I don't question the fact that these bills are aged. That wasn't the point I made at all. The point that we made, Senator, is that we have committees, and from your very answer, it does seem to me as you forget in times that there are committees.

The point that I made, sir, was

that these bills ought to go to committees, and since they affect particularly the environment where I am the ranking member -- we have a wonderful chairman in Senator Tully, what -- the point that I made and Senator Paterson I thought made it very well beforehand is that we have procedures. The procedures we're talking about is the committees system and these bills ought to go through committees, and they need not be passed by April 1. They're not part of the budget, and that's the point we're making, Senator Bruno.

SENATOR BRUNO: Thank you very much, Senator Leichter, for the point that you've just made. I appreciate your making that point.

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

SENATOR PATERSON: Mr. President, on this motion -- I'm sorry. Senator Dollinger is before me?

ACTING PRESIDENT KUHL: Senator Dollinger -- I have a list going, Senator

Paterson. Senator Dollinger would be the next scheduled -

SENATOR PATERSON: Then I gladly yield.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Dollinger on the motion.

SENATOR DOLLINGER: Thank you, Mr. President.

To the Temporary President of the Senate, I agree as a lawyer that we are operating within the rules. I understand that there are rules that allow the Senate to consider this. I think at least from my perspective in objecting to the Rules Committee report is not because the rules aren't necessarily being followed in their black letter form, but the spirit which guides bringing the two bills, the Administrative Procedure Act and the EnCon bills to the floor today, and I agree with you that these are very important bills.

I would simply say to the man on the second floor, these were obviously very

important bills in January when we sat here and did license plate bills, and they were very important bills in February when we sat here and did all kinds of resolutions and minor changes and technical changes and extenders. They were very important in February. They were very important for the first 27 days of March, and we sat here and we did four bills of calendar and we took $89 from the people of the state of New York to come in and do the peoples' business, and we passed, I think, every one-house bill that we have passed in the time that I've been here.

Yet these important matters were sitting down on the second floor, important changes in the Administrative Procedure Act, equally important changes, if not devastating changes in the Environmental Conservation Law. These were at the top of the Governor's agenda, and we did nothing.

We did nothing until today when the Governor, I think, because perhaps some people outside walking around this building have

carried a message that he doesn't like, have brought it right to this Capitol that says, "Gee, Governor, you're a question of the polls, Governor. You might be looking at the polls." Maybe the second floor might be looking at the polls, and that might explain why today the second floor decides, in conjunction with the Senate Majority, to bring two very significant bills to the floor, get them before us Thursday night just under the wire, just to get the three days worth of aging, allow them to go over the weekend which seems to be a continuing pattern in this house. I know we ran into that with respect to the death penalty. The same exact process was followed, all within the rules, but we didn't have a chance for the Environmental Conservation Committee to sit down and wrestle with these, what I think will be historic changes in that bill. We didn't allow the Senate Finance Committee or subcommittees of the Senate Finance Committee to consider the extensive changes in the Administrative Procedure Act.

I think what -- the purpose of doing this today may be for a post-vote press conference and not for the substance of these bills. But I guess I'm disappointed. I was talking to Senator Leibell who reminded me of his military service and brought back an old military term that seems to have meaning to me today.

Remember the old military term about "hurry up and wait"? Well, it seems here in the Senate we have just the opposite approach. We wait, we wait, we wait, and then all of a sudden we have to hurry up. Well, I guess we're in the hurry-up phase part to what may be historic changes to the Administrative Procedure Act and the Environmental Conservation Act.

I have only one solace as I sit here objecting to this report, and that is because I know, at least I understand from the leadership on this side, that these bills aren't agreed to. That this is simply a one-house bill, and when I go back home tonight, I can

say, "Gee, I did a lot of one-house bills in January. I did a lot of one-house bills in February. I did a lot of one-house bills in March", and sure enough, I came to March 28th, three days before the budget deadline, I'm now about to do three or four more one-house bills. It seems to me that's what this is all about.

I'm disappointed, although as I acknowledged to the Temporary President, we're within the rules. It seems to me we would be better off to operate in the spirit of governing and if we did that, I wouldn't be standing here complaining about even though we're within the rules, it doesn't seem to me we're in the spirit of trying to achieve a compromise that will make changes in this state's law, and we can have a legitimate debate about whether those changes are beneficial or not. We're going to be denied that opportunity today because we're going to do it in a one-house fashion, and it's too bad that we seem to wait and then all of a sudden hurry up.

ACTING PRESIDENT KUHL: Chair

recognizes Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Mr. President, I think it's clear that what the Majority is doing here is within the rules and the rules do permit it. The fact that the rules permit it, though, doesn't mean it's the right thing to do or the wise thing to do. For example, the rules of the Senate I think quite wisely provide for a shortcut in urgent situations where bills can come directly from the Rules Committee to third reading, bills that have to be enacted.

Traditionally, that's the way it was unwisely used in all-night sessions at the end of the session just to pump out legislation. We didn't like it, but we all wanted to go home, and we knew it was the end of session, so it was the only way to get the bill out here.

In this case, just because the rules permit it, it doesn't mean it's the best way to go. We have important bills here dealing

with administrative regulations and with the Environmental Conservation Law, and I feel badly for the very fine chairs we have of committees who deal with those areas. We have a committee system here. We have committee staff. Indeed, we take extra compensation for being committee chairs, the Ranking Minority members on committees; and, in fact, we find that this kind of procedure makes it appear like perhaps we're not earning our keep because we have a committee, for example, that deals with Environmental Conservation matters and one of the most important and sweeping changes in that law doesn't even come before the committee, doesn't even get considered by the committee much less, frankly, with legislation this sweeping. I'm sure it would be quite appropriate -- I believe it would be appropriate for such a committee to hold a public hearing. Let the public come in. Let interested groups come in and say, "Now that you have an omnibus kind of bill, lots of old ideas, a few new ideas, here's what we think of the package."

What's wrong with that? What's the hurry? Surely, we're not ending the session this week. Surely, there is no rush. So while the rules permit it, it's just not wise to do under these circumstances. Why short circuit the committees when there is time to do otherwise? Why do it in a hurry-up fashion when there's time to do it the right way, the best way?

And I know the rules say a lot of things. The one thing I would point out is the rules do not say debate is limited to two hours. They don't say that. In the history of the Senate, they never said that. They have never said debate on a matter is limited to two hours. What the rules say is no motion to cut off debate can be made or entertained until two hours have elapsed. The rules don't try and limit debate. They guarantee to the members at least two hours. If any member or group of members wish to use the two hours, the rules guarantee a two-hour debate, but there is no requirement that anyone move to cut off debate

at that time, and we've had a long tradition in this house on very, very important legislation of allowing debates to run longer as long as they haven't become repetitious, as long as we don't have the same members standing up repeatedly, and as long as we're hearing from all of our members about something important.

So I do want to set the record straight, Mr. President, on that. There is no limit of two hours in the rules. There is a guarantee of at least two hours debate in our rules.

ACTING PRESIDENT KUHL: The motion is to accept the Rules report. All those in favor, signify by saying aye.

(Response of "Aye.")

Those opposed, nay.

(Response of "Nay.")

The motion is adopted. The bills are ordered directly to third reading.

Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President. I would now like to call up Calendar Number 288.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 288, Budget Bill, Senate Print 1826B, an act to amend the Social Services Law, in relation to eliminating reimbursement to social services districts for brokers fees.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President. Is there a message of necessity from the Governor at the desk?

ACTING PRESIDENT KUHL: Senator Bruno, there is.

SENATOR BRUNO: Mr. President. I now move that we accept the message of necessity.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(Response of "Nay.")

The message is accepted.

Senator Paterson, did I understand you wanted an explanation of the bill?

SENATOR PATERSON: Yes, I did.

ACTING PRESIDENT KUHL: Senator Stafford. The chair recognizes Senator Stafford to explain the bill.

SENATOR STAFFORD: Senator Holland, who -

ACTING PRESIDENT KUHL: Senator Stafford, excuse me just one moment. I'm trying to get Senator Bruno's attention behind you.

SENATOR BRUNO: Mr. President and Senator Stafford, forgive me for the interruption, but I am notified that we should call a joint meeting of Crime and Corrections and Children and Family Committees in Room 332 immediately.

SENATOR STAFFORD: There will be an immediate meeting, a joint meeting of the Crime and Corrections Committee and the Children and Families Committee in the Majority

Conference Room, Room 332.

ACTING PRESIDENT KUHL: Thank you, Senator Stafford, for that interruption.

Senator Stafford for an explanation.

SENATOR STAFFORD: Mr. President. Senator Bruno a few moments ago referred to Senator Holland as a learned colleague. He is, and he will be giving us an explanation and will discuss the bill that we are about to take up.

Mr. President. I would ask if I could please just emphasize and summarize what we are attempting to do as we begin our budget process our Majority Leader, Senator Bruno, referred to today.

We are going to be taking steps to make sure -- to make sure that we have a state that is viable, that is alive. We have an economic engine in this state, and that is our economy; and if we continue to take away from the economic engine so that it no longer produces, we are not going to have the funds to

carry out some of the very, very needed services and functions that our budget will support.

And, Mr. President, we all know, but I think we have to be -- we have to emphazise today, we have a $5 billion deficit. We have to work with that and, Mr. President, each year for the past years we've had a deficit of $5 billion. We will learn from Senator Holland and others during these days, exactly where that deficit has come from and how we intend to deal with it.

We have had three-way negotiations, Senator Bruno, the Governor, and the Speaker, and I assure you -- I assure you that we have a situation where, in those negotiations, we're going to have to understand, and the Governor does and Senator Bruno does, that we can't have business as usual, and I assure you, we will not.

In the next few days, many of us will say to ourselves, "Things aren't as easy as they were. We don't have really the funds that we did have," and that is exactly right and that

is what we're going to have to correct, but we have a budget here that we're going to pass, that we agreed with the Governor on, and we're doing our work. This is very serious.

For too many years we've had irresponsibility, and this agreed-upon position takes us away from that irresponsibility and makes us realize that we're going to have to be with other states compatible and we're going to have to have business in our state rather than having it leave. We will then be able to provide the services that are so needed in our state.

And with that, Mr. President, for the bill that we will consider, I refer to Senator Joseph Holland.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Holland to continue the explanation.

SENATOR HOLLAND: Thank you, Mr. President.

First thing I would like to make clear is this is just a welfare reform bill. It

does not include Medicaid.

Without cost-containment, state spending for welfare in 1995-96 is projected to be close to $2.5 billion. This welfare reform proposal would reduce state welfare spending based on projected costs by approximately 16 percent to $2.1 billion. The savings for the state is projected to be approximately $359 million and the savings to local property taxpayers about $280 million.

Public criticism of welfare is widespread. This bill will remedy many of the most significant problems in the public assistance system, such as welfare dependency and the incentive not to work rather than to work.

Welfare rolls have increased by about 30 percent since 1980 and currently nearly one in ten New Yorkers receive public assistance. Clearly, something is wrong. Today we have before us a bill that will eliminate dependency and promote self-sufficiency. We would do this through the following measures:

Workfare. Workfare will save millions and encourage personal responsibility. Westchester has saved -- Westchester County has saved $30 million and cut their rolls by 30 percent since they went into Workfare.

Time limits. 60 days per year for employable home relief recipients without children. Only 19 other states provide any type of general assistance to able-bodied individuals. Nine states do not provide any type of general assistance, whether it be handicapped or aging, et cetera.

One of the states that supports -- to provide support to the able-bodied - other states that support -- provide support to the able-bodied, the great majority place a time limit on how long these individuals can receive assistance. By limiting the duration of the assistance to 60 days, 85,000 recipients would leave the rolls as of 1 June 1995, saving approximately $163 million.

Finger imaging and other fraud and abuse proposals. Through statewide finger

imaging for applicants for all types of welfare benefits and stricter fraud and abuse sanctions and penalties, New York State will be able to target our scarce resources to those who are truly in need. Even after the cuts in home relief and AFDC are taken into account, New York will remain one of the most generous states in the nation in taking care of our needy.

New York -- New York has by far the largest general assistance case load of any state in this nation. Even with grant reductions, New York will still offer the fourth most generous benefits for able-bodied single home relief recipients and will remain in the top ten for the largest AFDC grants.

New York has a history and a Constitution that requires us to provide support for those in need. We can, however, no longer afford to be as generous as we have in the past without expecting anything in return.

This bill ensures that New York State will continue to provide the necessary support for those who are in need. It

transforms the welfare system into a means of temporary support for those who have the ability to become self-sufficient. It promotes those on welfare to act as responsible and productive members of society, and it does not shirk the state's responsibility to care for those who cannot care for themselves.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, I have an amendment to this bill that's at the desk. I would waive its reading and be willing to explain it.

ACTING PRESIDENT KUHL: Without objection, the reading of the amendment is waived.

The Chair recognizes Senator Paterson to explain the amendment.

SENATOR PATERSON: Mr. President, in this amendment, one of the measures in a sense freezes the state participation in the cost of living assessment that the federal government gives to the in-community living

elderly, disabled and the blind. The freeze will constitute approximately $13.

So, in other words, what we are saying to those elderly and -- who live in the community is that we are going to freeze the amount of money that the state participates in the supplemental cost of living assessment and deny them that $13.

Now, at the end of the last session, we passed three pieces of legislation, in fact, that pertain to adult care facilities, and these adult care facilities will get through the operator the actual finances such that those seniors and those who are in need will, if they are in a facility, receive the supplemental value. However, for those who are living at home, for those who may have the additional encumbrance of being at home, the fact that they're home does not always mean that they are that much independent; it just means that they meet a threshold by which they can stay at home. They will not get an extra $13 a month.

I think that this measure is

especially punitive. It's especially unfair, rising to a level that we can almost describe it as being unjust. There is certainly a lot of reform that we have to investigate in our social service system, but this is certainly not one of them. I don't think there really is anybody in this chamber that would like to deny to the frail, elderly, the massively disabled, those who are visually impaired and totally blind, the meager amounts that the state matches the federal government, $13 a month. $13 a month. It's about $2.30 a day, and I don't understand why we would want to take that money out of the pockets of our seniors, people whose tax dollars provide the broad revenue base that the state has derived for years, and it just doesn't make any sense.

And so I'm offering this amendment in the hope that my colleagues will recognize that this is just one piece that's in the legislation that shouldn't be there. It's egregious, and it is something that we should address. We can address it right here on this

floor right now. There is a lot of good that this bill may do. We can debate the rest of it, but this particular section denying people who are massively impaired at times, even though they're living at home, they can't come up here to lobby today to let you know how they feel.

Hopefully, you will listen to my words and understand that they can't afford to lose that $13 a day. It will create a detrimental effect on them. It will inure to a very negative situation if they are asked to endure this freeze which will manufacture a cutback of $13 per month. I guess I have been saying a day. I really mean $13 a month.

And so I submit this amendment in the hope that my colleagues will consider it and perhaps will, after discussion and dialogue which we still have in this chamber, will consider that we should not -- we should not unfund this cost of living assessment which is about three percent that the federal government provides, that the state has always matched, that will not add up to a lot of money. Your

relatives, our friends need it very badly.

ACTING PRESIDENT KUHL: The question is on the amendment. All those in favor of the amendment.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: The Secretary will read the party line vote. Announce the results.

THE SECRETARY: Ayes 38, nays - nays 36, ayes 23.

ACTING PRESIDENT KUHL: The amendment is failed.

Senator Espada.

SENATOR ESPADA: I move in order to ask a number of questions of Mr. -- of Senator Holland's overview of the Senate bills before us.

ACTING PRESIDENT KUHL: It will be in -- Senator Leichter was prior to you on the list.

Senator Leichter.

SENATOR ESPADA: May I be placed on the list?

Thank you.

SENATOR LEICHTER: Mr. President, the biggest myth and the biggest falser of this Capitol is that the bill that we're considering is welfare reform. It is not. This is scapegoating the poor and that's what this is. It's an effort to blame the poor for the financial difficulties that this state is in. And that's wrong. It's unfair, unjust. It's easy to scapegoat. It's easy to talk about a failed system, but it's another thing, Senator Holland, to come up with a fair response, and this bill clearly and definitely is not. Yes, welfare is unpopular and, yes, welfare has certainly not been an answer for society at large for the people on welfare, and I think we know some of the things that need to be done,

and we ought to know why you're not doing them.

The things that need to be done is to provide jobs and to train people to have these jobs. This bill does none of that. This bill pure and simply slashes benefits for the very vulnerable, fragile population, and not helping society, this bill will only add to the problems that we have in urban areas, in rural areas throughout the state because you're going to worsen the condition of poor people. You're going to create more homelessness.

I just would focus on one aspect of the bill and my colleagues will ask me certain aspects, the provision after 60 days you will cut off benefits for people on home relief. The Governor originally proposed 90 days. We thought that was harsh. Yours is pure and simply heartless saying after 60 days that's it.

Let's take a look at the Michigan experience, and we have the dubious benefit in this state of having the budget director of Michigan now using her slash and scorch

techniques here in this state.

The Ford Foundation made a study of what happened in Michigan where they had a 90-day cut-off on home relief. What they found is that most of the former relief clients are in precarious shape, but most are trying to work. Only a small fraction can find or hold a regular job. Those considered, quote, "young and able-bodied", unquote, are doing better than others but they are hardly thriving, and a surprisingly small number, about a quarter, are young and able-bodied. The great majority are elderly, disabled or ill, and while Governor Engler tried to discredit this report, the Department of Social Services of Michigan later said that "We don't think the report is flawed." That's an actual quote.

Now, the mix of population in this state of the people on home relief is no different. Most are elderly. Most are sick. Most are not able to go out and get jobs, and even for those who can get jobs, there are precious few jobs in this state. We have a

fairly high level of unemployment in this state, and we have a particularly high level of unemployment or lack of jobs for people without skills.

You want to come in with a bill that provides for -- serious training for those who can work, that provides for jobs creation, I think you'll find a lot of support on this side of the aisle, but I think it's unfortunate to get up as Senator Stafford did and say, "We've got a $5 billion budget gap" and then start talking about welfare as if welfare is the cause of this budget gap. The fact is that the benefits that we pay people on social assistance, particularly Aid For Dependent Children, has decreased in the last few years by 17 percent. We have, in effect, slashed benefits in this state by failing to keep up with inflation, and if we have more people now on welfare than we had in the late '70s or the beginning of the decade of the '80s, it's because of national programs during the Reagan and Bush years which have put us in recession

for a good portion of those years which has not created the sort of economic client -- climate that would allow people to have jobs and to prosper.

In this state, we've seen that where jobs are created -- real jobs are created, that people will respond to them, but what I would like to see is that effort of creating jobs, of helping people and not what we find in this bill.

And let me say, Senator Holland, there are provisions in this bill that I can support, very few of them. I think the provision that you take away a license from a father who refuses to pay child support, I can support that. I can support finger imaging, and many of us have supported finger imaging, but the key elements of this bill is a punitive, harsh effort to cut benefits for people who are in dire need. It does really nothing significant for our budget deficit, and it's only going to add to the burden that cities such as mine have, New York City, who are going to

have to take care of all the additional homeless that are going to be created by your bill and, by the way, in Michigan, they found out the homeless situation in Detroit became much worse and Detroit was further burdened by having to take care of these homeless as my city will be.

We've had now for some months, you know, government by sloganeering. We've had these promises of down-sizing government, of cutting taxes, of jump starting the economy, but when we take a look at the specific proposals, what we see are these harsh, punitive cuts on people who certainly are not responsible for the financial problem that we -- that we have in this state and they are going to sorely beset and greatly hurt and be damaged by this sort of an approach.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Espada.

SENATOR ESPADA: Thank you, Mr. President.

Would Senator Holland yield to -

ACTING PRESIDENT KUHL: Senator

Holland, do you yield to Senator Espada?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: The Senator is happy to yield.

SENATOR ESPADA: Thank you very much, Mr. President, Senator Holland.

Just to get a baseline of what we're talking about, because I too fear the sloganizing and the kind of campaign rhetoric that replaces really responsible debate here.

So, to the facts, how many ADC recipients do we have in our state?

SENATOR HOLLAND: One second. In 1994, 1,263,278. That was 1994.

SENATOR ESPADA: How many of - if I may, through you, Mr. President -- how many of those are children?

SENATOR HOLLAND: Are there children on here? November 1994, children, 819,283.

SENATOR ESPADA: And again through you, Mr. President, how long does the average ADC recipient continue on the case loads

continuously?

SENATOR HOLLAND: The average is about two years but many are on much longer than that, and you know that, Senator.

SENATOR ESPADA: I'm sorry?

SENATOR HOLLAND: The average is about two years, but many of them are on much longer than that.

SENATOR ESPADA: And of the 8-, almost 900,000 children -

SENATOR HOLLAND: 819,000.

SENATOR ESPADA: Pardon?

SENATOR HOLLAND: 819,000. It's not almost 900,000.

SENATOR ESPADA: We'll take your figure because we're dealing with facts. How many women are in the total of 1.3 million -

SENATOR HOLLAND: I couldn't tell you.

SENATOR ESPADA: -- now that we've established children?

SENATOR HOLLAND: Many of them are single women families, and there are 449,000

adults. I don't know how many are men and how many are women.

SENATOR ESPADA: You don't know how many women we're talking about?

SENATOR HOLLAND: I don't know whether the families are dual families or single-parent families; I can't tell you, but there are 449,000 adults.

SENATOR ESPADA: Would you say that -- that most of those -- if I may, Mr. President, most of those qualify for this program because there is no male around?

SENATOR HOLLAND: Yes. Most do.

SENATOR ESPADA: So I don't want to invent things here, but we do want to have conservative estimates. Would you say that, of those 400,000 or so, the great majority are women?

SENATOR HOLLAND: I'll give you that, yes, sir.

SENATOR ESPADA: And would you also conclude, Senator Holland, that when we talk about welfare in this state and attach

welfare dependency to the budget deficits, that that really isn't an honest or even factual statement because, in fact, we are -- by your facts, we're dealing with children, babies and women who care for those children who are on ADC rolls.

SENATOR HOLLAND: I don't know what the point of your question is, Senator.

SENATOR ESPADA: Just factual questions. Would you conclude on the basis of your facts that when we talk about budget deficits, getting people off the dole, people who have been on average two years, women and children, that we're not really talking about jobs and people who could otherwise be employed in our private sector, that, in fact, we're talking about babies, children, for the most part?

SENATOR HOLLAND: I'm talking about families. I'm talking about families, and I think we've done the wrong thing with families in this state for the last 40 years. I think we've ruined family values. We've ruined the

work ethic. We don't encourage kids to go to school in your city, and I went there with you. The graduation rate in four years of high school is only 43 percent, and that's been four years and nothing is done about it.

So we're not on the right track, Senator. You can talk about the 900- -- 819,000 children. We want to protect those children and we have not been doing that for 40 years. Instead, we have been breaking up families, encouraging fathers not to stay with their families, and we want to turn that around, and I think it's way past time to turn that around.

SENATOR ESPADA: Through you, Mr. President.

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

Senator Holland, do you continue to yield?

SENATOR HOLLAND: Yes, sir.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR ESPADA: I think this can be very fruitful because, in fact, I agree with your analysis. In fact, I agree that some of these negative outcomes have to be changed. It's your conclusion, sir, and even more so the premise that guides your analysis that I differ with. And we were just in -- you know, by way of this colloquy and the process of really destroying once and for all this myth, that what we're really talking about is some guys that are driving Cadillacs or some women that are wearing mink coats. We're dealing with the facts, and I thought that maybe with your indulgence we could continue talking about the facts, but I think we'll get a clearer picture of what we're talking about and, in fact, get to some of those results that you and I want.

Just -- just one other -- just one other question that I think is really germane and key to this whole debate is the issue of employability. How, sir, do you determine in your legislation or even in your perceptions and your analyses what is an

employable person, and how is that determined?

SENATOR HOLLAND: You want the definition of "employable"?

SENATOR ESPADA: I'll take yours.

SENATOR HOLLAND: It's not mine. It's from the Federal Jobs Program, I believe. "A person shall be deemed employable if they are not unemployed due to one or more of the following:

(A) A person who is ill or incapacitated or 60 years of age or older;

(B) A child under 16 years of age or under 19 and attending full-time or secondary vocational or technical school;

(C) A person whose presence in the home is required because of the illness or incapacity of another member of the household;

(D) A parent or other relative personally providing care for a child under six years of age -- I certainly would look at that one, and;

(E) A parent or other relative or child under three years of age;

(F) A pregnant woman that has been medically verified that the child is to be born in the month in which such participation would otherwise be required or within the six-month period immediately following such months.

I would certainly look at that one too, but that's the definition.

SENATOR ESPADA: You just defined "employability", sir?

SENATOR HOLLAND: Employable, yes; definition of "employable".

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

SENATOR ESPADA: Yes, I am.

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

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR ESPADA: And how many of the current home relief recipients are

employable?

SENATOR HOLLAND: I'm sorry. I missed the first part of it.

SENATOR ESPADA: How many of the home relief recipients are employable using your definition, sir?

SENATOR HOLLAND: From the experience of the county of Westchester and their Workfare program, approximately 35 to 40 percent of the able-bodied recipients are employable.

SENATOR ESPADA: And how is that determined, sir, if I may?

SENATOR HOLLAND: It was done actually by fact in Westchester County. They have it on the computer by how many people came to their Workfare program.

SENATOR ESPADA: To be recertified for benefits or as a result of - what participation are you referring to, sir?

SENATOR HOLLAND: I'm talking about the Workfare program that was implemented in the county of Westchester in 1989, and they

put in the computer all of the people and what their qualifications were. They found that approximately 35 percent of the home relief recipients are employable, 35 to 40 percent.

SENATOR ESPADA: Are you familiar with -

ACTING PRESIDENT KUHL: Senator Espada, are you asking again for Senator Holland to continue to yield?

SENATOR ESPADA: Yes, I am.

Are you familiar, sir, with some of the assessments and evaluations that have been done of the jobs programs that you borrowed the definition of "employable" from, "employability" from? Are you familiar with some of those?

SENATOR HOLLAND: I don't know, Senator.

SENATOR ESPADA: If you would allow me.

SENATOR HOLLAND: Yes.

SENATOR ESPADA: The most salient point that comes out of a thorough analysis that

was conducted of those programs indicates that the people on home relief or, for that matter, on ADC, that participated in these job searches and in these various programs after they went through them -- I'll give you the statewide total -- the percentage of those individuals that actually ended up in an employment situation is 7.4 percent statewide. The percentage of those individuals that were sanctioned were 17.2 percent. New York City, the statewide -- the rest of the state, similar numbers. Upstate, more sanctions; less jobs downstate.

But it doesn't change the point drastically, the point being that this seems - these programs that you talk about, whether they be in Westchester County or other variations of that, seem to be sanction mills because they don't, in fact, put people back to work. In fact, by the statistics I just read to you and I'll share, if you'd like, they really don't put people back to work.

Are you interested at all, sir,

in why that is the case?

SENATOR HOLLAND: I couldn't agree with you more, Senator. I think you're absolutely right. I think the programs that we have operated in this nation and in this state have not put people back to work, and the American Works Program and many of the other programs are -- are a much better way. Jobs First is a much better way rather than putting people on the dole, trying to get them a job.

We have an example here in Albany County that Senator Hoblock can tell you about, where a man was on the dole for 35 years and never, never given a job or found a job by the Department of Social Services in the county of Albany, and when American Works came in, they got him a job and he's still with that job after four months so that they got paid.

There is no question that the system was not working, still is not working and that's what we're trying to correct, and I think that people would feel much better about themselves if we can find them a job, and we

haven't.

SENATOR ESPADA: Mr. President, if I may.

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

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR ESPADA: I think in a critical point, I think we agree then that people that go out of their way and participate with these programs -- those that don't participate get sanctioned and that seems to be working. Those people that go through it don't seem to end up with a job, yet through some of your legislation or through your conferences legislation, we have these automatic cut-off periods.

And my question to you is do you think we're sending the right moral signal, the right -- the right -- not only moral signal, but the right workable and practicable solution to the problem. If, in fact, people are trying to

get jobs; if, in fact, they're participating with our various work participation programs and sanctions, then why would you just cut them off and make believe like on the 61st day somebody is going to take care of their needs? Doesn't that violate the state's Constitution, the provisions that were cited by my colleague?

SENATOR HOLLAND: Senator, I believe that the taxpayers of this state have been violated for years. I believe that we have encouraged people to stay on home relief, able-bodied people such as yourself to stay on home relief, and I think that's the wrong thing to do. I think we are breaking down society. I think that's the wrong message to give, and I think it has to be turned around.

And I'm saying -- we're saying to the people now, it is individual responsibility. You have to take care of yourself. It's a temporary -- Medicaid and welfare is a temporary situation. We want to help you just as our Constitution says, if you need help for a short period of time, but we

don't want you or two or three generations to stay on this program, that is all, and our training programs have not been working and, in fact, there are, I think like 160 federal training programs. I don't know how many there are in the state of New York.

And people are being stolen from left and right. I don't know whether you saw a small article in the paper, Senator, recently. The FBI did a study on the fraud and abuse in the Medicaid and welfare system nationally, and their figure was $44 billion. Now, if New York State takes 20 percent of the Medicaid costs, of the long-term costs, then who -- when we had our hearings many -- four years ago and we were told that there was $2 billion of fraud and abuse in this system, in this state, there is so much stealing it's unbelievable, and we have to turn it around.

SENATOR ESPADA: Point of information, Mr. President, on this -- this is the kind of stuff we hear all the time, these assertions of -- about fraud and abuse. You

know, we have a trillion dollar federal budget, a little over -- I'll give you whatever highest number you want. You want a billion, you want two billion, you want -- ten percent -- two percent of that goes to that kind of thing. How you come up with $50 billion in fraud, I'll never know.

But with your permission, if we could just -- you indicated you visited my district, and indeed you did, and let me just say that that's more than most of your colleagues will ever accomplish. That's most - more reality that will visit -- that will be visited upon them in terms of what we're talking about than they'll ever get, so to that, kudos to you; but let me introduce you, because it was in Newsday, to Elisa Arguello, and she has two children, teenagers, some of them -- who are seventeen and six. Some of them will be subject -- in fact, both of them, I guess, will be subject to your LearnFare legislation.

AFDC grant, $577. This is current welfare income we're talking about.

Food stamps, $241; child support allowance, $50, and that is sporadic. The total income to this woman who is raising her children in our district, $868 per month.

Current expenses. She pays $740 rent; phone is $50; utility is 40; food 140; household supplies $15; shoes and clothing $10; transportation $7.50, for a total in expenses - mind you, she takes in 868 in income -- her expenses are $1,002.50.

Does any of that sound like fraud and abuse? Does any of that make sense to cut by 15 or 25 percent?

SENATOR HOLLAND: Senator, you are absolutely right. Most of the clients are in need of assistance and they don't steal, absolutely right. We are giving that woman an additional possibility with the waiver of earning an additional $200 and which will be set aside and not affect her grant at all, in fact 20 percent of everything she earns above that.

Don't you know there are many hard-working families in your district who are

not on Medicare and welfare who don't make it every month, either, who still struggle and work three jobs. That's all we're saying to you. Everybody is struggling. Our taxpayers are struggling, and we have to turn this system around. It's not working. It's not fair to the hard-working -- which is most of your district -- the hard-working people down there who are struggling and don't make it every month.

SENATOR ESPADA: I think, Mr. President, if I may.

ACTING PRESIDENT KUHL: Are you asking Senator Holland to yield again?

SENATOR ESPADA: Yes, sir.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR ESPADA: Senator, I'm deeply heartened by that comment, but you know when times are bad -- and you indicate they are bad and I agree they are bad -- they are bad for working-class folks and they are bad for poor folks that can only wish, as we've indicated here, that they could have a job.

So let's just deal with the realities. The realities are that these working-class people are hurting and we have certain amendments. The amendments here will restore $13 per month to somebody who is blind and can't get out of their apartment.

How on earth in the name of frugality, in the name of austerity budgets, in the name of anything sacred could you justify our Constitution, the 1938 amendment, into being to stop this kind of thing you are trying to promulgate here today?

The constitutional amendment in essence, and this is its essence, not verbatim, was adopted to ensure that the poor do not go without food, clothing, shelter and other essentials. We can not penalize the poor. We can not scapegoat the poor because somehow you and I have not done a good enough job of providing jobs so that the working-class people, the able-bodied working people can have the kind of economic security that they deserve.

You know, there is this whole

premise to your argument that, somehow, because working people, whoever they may be, don't have it as good as they should, that economic security, the ability to put their kids through school, that somehow we have to lower our standards, that somebody is going to have to pay for this, and that it has to be those people on public assistance.

I will give you some other alternatives. I only wish you would study some of the other options that we have at our disposal because the big tax breaks that the same newspaper covered just a day ago had some of these women that want to be hard-working people going to Republic National Bank. They got $6.4 million from Guiliani. They said they were going to save 2400 jobs and, in fact, laid off hundreds of people after they got our millions, the taxpayers' money, the ones that you and I are sworn to protect.

Viacom International, 15 million they got. They said, "Give us the millions, we're going to create 4,000 jobs." They laid

off people. I could go on and on.

This job seeker, Janet Montalbo, went to each and every one of those corporate welfare recipients and she could not get a job even though they promised you and I that they would deliver on that promise. Is there any of your legislation here to stem that kind of rip-off in our system?

SENATOR HOLLAND: Senator, I have to go back to when you and I visited your area, and I have to go back to education, particularly in the City of New York, and where some of the schools we visited the graduation rate in four years was 2 and 3 percent, in my area it's 95-98 percent.

So I sent for the report from the city, and it averages 43 percent graduation from your high schools in four years. If you don't have an educated work force, people are not going to come in and bring jobs in the area in the first place, and that's the first problem that the City of New York has.

But going back to the overall

problem, what we're trying to do here is we're trying to reduce the size of this government. We're trying to reduce the taxes that this government imposes on its individuals and corporations. We have lost 600,000 jobs in the last five years, and I know you are sick to death of hearing that, but that's an absolute fact; and unless we can stop these taxes, unless we can encourage more business and industry to come back here, unless we can educate generations of the kids in the City of New York, then it's not going to turn around. We are just not doing it right.

Let me tell you about SSI. You talked about SSI. Oh, one other thing before I talk about SSI.

We spend the most money of anybody in this nation and probably in the world on social services and Medicaid; and after we do these cuts, where do we go from number 1 in spending? We will still be number 1 in spending. We won't have lost anything. We are very generous and try to protect our people. I

don't want to be ripped off, but people who need help we like to help.

SSI -- the federal government gives to each individual on SSI in the 50 states $446. Utah adds an additional one, so they get $447. We add $86, so the individuals get $532. There are 25 states, Senator, who give absolutely nothing. And going from fourth place at $432 when the rest of the world gets a $13 increase, we will go to sixth place. We're not losing here. We're not losing here. We're not cutting a great deal. We are asking everybody to help us because we have a $5 billion deficit, and we're asking everybody to help us because we have to turn around this government and this tax picture.

SENATOR ESPADA: Thank you.

Mr. President, I would like to continue just for a little longer. I know some of my colleagues want to get in on this debate.

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

SENATOR ESPADA: If Senator

Holland will continue to yield.

ACTING PRESIDENT KUHL: Senator Espada, please indulge me for just one moment.

The chair recognizes Senator Skelos.

SENATOR SKELOS: Thank you. Mr. President. On behalf of Senator Seward, there will be an immediate meeting of the Energy Committee in Room 332.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Energy Committee in the Majority Conference Room, Room 332.

Thank you, Senator Espada. Senator Holland continues to yield.

SENATOR ESPADA: I just want to respond to some of the points Senator Holland asserted. One of them was, again, back to the visit to my district and the educational system in my district and the results of what's happening there.

You visited two systems. You visited a system that really had as its class

really the best that we have in my district, and that is a sad commentary in terms of outcomes. But we need to understand that reality before you and I conclude anything negative about the people who are struggling through that system.

SENATOR HOLLAND: We visited Adlai Stevenson High School which has about 4500 kids. The class we visited was the cream of the crop, no question, and they'll do well under any circumstances. They'll carry themselves.

SENATOR ESPADA: Repeat that number, because I think it will astonish some people in your district.

SENATOR HOLLAND: 4500.

SENATOR ESPADA: They have 4500 kids in one building.

SENATOR HOLLAND: Yes. That's not unusual, I don't think. It happens in the rest of the state. Then we visited another school, I'm sure you're going to talk about, too, where there were only six in the class and maybe four instructors.

SENATOR ESPADA: Yes. But with

respect to the educational realities in my district what the youngsters that I presented to you were telling you and what was most unfortunate about that whole lesson was you just didn't get it, my respected Senator. You just didn't get it, because what they were saying was that they would have liked to have finished in four years, but that it was that issue with the HIV mom or it was that issue of that part-time job or it was that issue with the gun toting people out in the front. It was the issues of them getting a little more cooperation from the police. A little had to do with the kind of commitment that teachers were making to them. They visited upon you a reality about their homes and their neighborhoods; and yet, throughout all of that, they were determined to continue through their school experience and graduate.

And wouldn't you agree that under all that adversity, who really cares if at the end of that you don't have a dropout but in fact you have a high school graduate going on to

college? So why do we continue to look at that when in fact if your statistical analysis would be kind of more longitudinal in nature, you would see that they do finish. They stay on a couple of more years than they do in your district; but, boy, should we reward that kind of determination with something more than the kind of penalties you want to impose to learnfare, because, in fact, these kids stayed on there. They wanted to stay on there.

Their mothers didn't deserve any sanction for their perseverance. What they were asking you is to understand that their mom didn't have a dad in their home, that their mom maybe had a dad or an abusing husband or somebody else that had to intercede on mom's behalf, I mean a host of problems that add up to a real reality that for some reason you either got or you choose to dismiss in your analysis and your recommendation and in fact in your legislation. These kids were telling you that they want to finish, that they can finish with more assistance.

SENATOR HOLLAND: I'm sorry, Senator, I don't buy that totally. I know that the higher percentages finish in two or three years, but it's still not a decent percentage as far as I'm concerned. I still think your school system is not delivering to the kids down there the benefits that it should be delivering, and I think that's the first step that the City of New York and you should be straightening up is getting education to those kids.

If you don't think that we have the same problems in all of our districts, you are absolutely wrong. There is no abuse in our districts? There's no single parents in our districts? Absolutely, Senator. They have the same thing. They stay with it a little longer. They stay with the kids, and that's what you have to do -- or we have to do, not you. We have to do.

We have to rebuild the family which will stay with those kids, and the kids have to stay at home even though they are pregnant and delivering kids rather than putting

them up in houses on the outside and paying for that and blowing the family apart, and we have to encourage them to go to school. Even if it's taking $25 a month away from them, we want them to go to school. It's not the $25. It's the education that they and their families need to support them later on in life and support their families.

SENATOR ESPADA: Mr. President. On the bill, if I may.

ACTING PRESIDENT KUHL: Senator Espada.

SENATOR ESPADA: First, I want to thank Senator Holland for responding as he did to my questions.

I think today we move beyond the kind of meanness, the kind of effort to criminalize our ability to assist people in need. We move beyond taking away school lunches. We move beyond taking away child care. We shred the safety net. We are really talking about calculated cruelty.

In this exchange, I think if most

of New York State could have witnessed this, they would have seen -- or they would have witnessed that there is no answer to Elisa Aguello. She wants a job.

There is this whole notion -- in fact, it's true -- that we have lost 600,000 jobs, but we don't talk about that there was an equal increase in the AFDC and HR rolls because of the kind of economic conditions. That kind of economic adversity visits the poorest in our state before it visits anybody else, and that's the reality we're talking about.

You know, what are the solutions that are being proposed? Slash it. Slash the AFDC budget by 25 percent. But Ms. Elisa Aguello right now she has a deficit of over $200 per month and she's trying her best. When she did get a job, our current policy that none of this legislation really addresses would have penalized her after four months if she had stayed on the job. Her income with a job would have been $869.12. Her expenses with a job would have been $897.

We have not figured out a way to make work actually pay off for people who want to work. Instead, what we do is we do things in the name of cost containment like this kind of cap that we want to put on the rent shelter allowance which really interferes with a court case now in progress in Manhattan and really violates not only the spirit but the letter of the constitutional amendment referenced earlier. But, in fact, it replaces the kind of allowance with a subsidy to landlords, $3,000 to $5,000 to a welfare hotel or to a homeless shelter.

Is that the kind of relief that taxpayers went to the polls for when they wanted change? No. I think what they wanted was to put everybody back to work, to lend a hand to people who were really trying. They never meant to be as cruel, they never meant to do the kinds of things that make absolutely no sense. They never meant to be as indecent as we make them out to be.

They, in fact, want us to be

responsible. And, as indicated by Senator Paterson, I think folks are reading the polls, and all they can come back to is, since they can't create jobs, since they want to give corporate welfare to the business sector, since they want to give tax relief to businesses that don't create jobs and to the wealthy, there is always the welfare poor that you can bash, and that's what we will be doing here today.

I thank you, Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Waldon.

SENATOR WALDON: Thank you very much, Mr. President. If the learned gentleman from Rockland and Orange Counties will indulge me and respond to some questions, I would greatly appreciate it.

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

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR WALDON: Thank you very

much, Mr. President. Thank you, Senator Holland.

Senator Holland, I want to talk about workfare, but I need to take a circuitous route to that if you will permit me. Are you aware of a $950 million business surcharge relief that's in this budget as proposed by Governor Pataki?

SENATOR HOLLAND: No.

SENATOR WALDON: You're not?

SENATOR HOLLAND: No.

SENATOR WALDON: Are you aware of a $440 million relief to G.E.?

SENATOR HOLLAND: It's not in the welfare area, is it, sir?

SENATOR WALDON: I beg your pardon?

SENATOR HOLLAND: It's not in the welfare area, is it, sir?

SENATOR WALDON: No, no, but I'm getting to that.

SENATOR WALDON: My colleague Senator Oppenheimer said it is listed under AFDC

"aid for dependent corporations." If that's her aid, I applaud it. I accept it. I thank you, Senator Oppenheimer.

SENATOR HOLLAND: Not specifically, no, Senator.

SENATOR WALDON: You are not aware of either of those situations?

SENATOR HOLLAND: No.

SENATOR WALDON: Are you aware of a $720 million personal income tax which benefits a very small percentage of people at the top, somewhere around 5 or 6 percent? -- 6 percent.

SENATOR HOLLAND: I am aware, and you are incorrect.

SENATOR WALDON: I beg your pardon?

SENATOR HOLLAND: I am aware of that, sir, but it's a percentage breakdown. The first 24 percent don't pay anything. The rest, it's a percentage breakdown which is similar, but it certainly is financially better if the percentage is same for a $200,000 earner than it

is for a $30,000 earner.

SENATOR WALDON: Okay. I'll ask a question, if I may continue?

ACTING PRESIDENT KUHL: Does Senator Holland continue to yield?

SENATOR HOLLAND: Yes, sir.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR WALDON: I apologize. I really do, Mr. President. I did not mean to not go through you.

ACTING PRESIDENT KUHL: I'm feeling slighted, Senator Waldon. I just -- I like to interject every now and then.

Senator Holland continues to yield.

SENATOR WALDON: Senator Holland, are you aware of a $158 million hit on the City University of New York under this proposed budget?

SENATOR HOLLAND: Yes, sir.

SENATOR WALDON: Now we're going to get close to Robin Hood's barn. Are you

aware that if that goes through as proposed that not only will a number of students have to leave the City University system but professors and other employees of the City University system will lose their jobs?

SENATOR HOLLAND: I think there needs to be some culling out in the system, yes.

SENATOR WALDON: Okay. Mr. President. If I may continue?

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

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR WALDON: My learned colleague, are you aware of 295 million or thereabouts reduction in funding for the State University of New York?

SENATOR HOLLAND: Yes, sir.

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

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

SENATOR HOLLAND: Yes.

SENATOR WALDON: Senator, are you aware that if these two cuts remain and if these two systems are negatively and disparately impacted as those cuts will be forced to happen that about 40,000 students will leave the City University and State University system?

SENATOR HOLLAND: Sir, I don't buy that at all. I believe that the system needs to be culled out. I think the Governor is asking everybody that we need some help in culling out and improving the management. I have no doubt there are some people in that system, whether they be in administration or whether they be in the teaching aspects, that should leave right now. Are you aware, Senator, that it costs us about $11,000 per student to go to the State University system and other states don't spend that much.

We spend a lot of money on the higher education portion of this budget, and I'm sure Senator LaValle can do a better job at this than I am doing, but there needs to be some

culling out. And all we're asking of the higher education people is: We're cutting. The federal government is cutting. We're asking you to look at it and cut too.

We're not asking you to close eight campuses. We're not asking you to not educate the kids, because we want them educated. We want you to be realistic like we're trying to be and the federal government is trying to be and the other people are, because the taxpayers are saying to us, "You have to cut."

SENATOR WALDON: If I may?

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

SENATOR HOLLAND: Yes.

SENATOR WALDON: I'm not going to be long, I assure you.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR WALDON: I appreciate - Mr. President. Please advise the Senator I do appreciate his indulgence. Sometimes I'm slower

than other times. I'm 58 now; these things happen.

If I may, Senator Holland, are you aware of a $1.2 billion Medicaid hit that's contained in this budget, which really equals $4.8 billion? And are you also aware, if you are aware of that figure, of the number of home health care providers and other hospital-type medical-type employees who will lose their jobs if the budget remains as proposed?

SENATOR HOLLAND: Yes, sir, I am, and I would probably agree with you in some of the instances that we have to make some adjustments. I'm sure that when and if we get together with the Assembly we will make some of those adjustments.

SENATOR WALDON: I'm getting close to conclusion.

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

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

Holland.

Senator Holland, the people who will lose their jobs under these figures that I've shared with you, some which you agree with and others not, and I can appreciate that, will those who have no training because there is no proviso for training under your workfare proposal, will those who come out of that system and who will be asked to find jobs, will they replace the union employees who will lose their jobs as the result of these budget cuts that we've just discussed.

SENATOR HOLLAND: I really don't know the answer to the question, Senator. I'm told there is a part of the workfare law that protects unions and that union people cannot be displaced by other individuals.

SENATOR WALDON: Last question, Mr. President.

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

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator

yields.

SENATOR WALDON: I was glad to hear you say that, because I'm now going to ask you, are you aware that in the City of New York that people who are under the aegis of workfare as characterized in the City of New York have replaced painters who were unionized painters in the City of New York and are now working as painters -- I may have mischaracterized where they came from. They are work release people who have replaced painters in the City of New York. Are you aware of that?

SENATOR HOLLAND: I'm not aware of that, but my understanding is that the unions have met with the Mayor and they have worked out their agreements in the area, but I'm not aware of that specific case.

SENATOR WALDON: I thank you, Mr. President. I thank Senator Holland. That is not my knowledge base, Senator Holland, but I thank you for your thoughts on it.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Chair

recognizes Senator Abate.

SENATOR ABATE: Would Senator Holland yield to a question?

ACTING PRESIDENT KUHL: Senator Holland, would you yield to Senator Abate?

SENATOR HOLLAND: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR ABATE: While I have a number of concerns around the welfare reform proposal, I, too, believe it's ill-conceived and will not produce the results that you think it will. It will force more and more people into more expensive institutions. They are going to be forced into jails and prisons, into homeless shelters. An arbitrary cutoff that tells an individual they must get a job when no job is available, they must get training and no training is available, to me is unrealistic.

But there is one provision that I think is particularly flawed; and that is the provision that talks about requiring minors, in

particular, pregnant teenagers under 18 who would normally receive aid to dependent children, saying to them that they must go home unless -- under your provisions, you enunciated some exceptions.

And my question is, are you aware that only one percent of mothers on welfare are teenagers under 18? And my question is, if that's the case and my statistic is true, why are you targeting pregnant teenagers under 18 because the majority of them who are pregnant aren't on welfare?

SENATOR HOLLAND: I don't know about your percentage, Senator, but assuming it's correct or near that, our only point is regardless of how many people it is that we believe -- I believe that that young lady, pregnant or not, if at all possible should stay with her family, and I don't believe the state should take over and set her up and pay for her in an apartment where she has no adult supervision. I just think that's the wrong thing to do.

SENATOR ABATE: Will the Senator yield to another question?

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

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR ABATE: So then my understanding of the goal of this bill is to save dollars?

SENATOR HOLLAND: Well, as a secondary thing it is to save dollars. Primarily, I think, the best advantage is to keep young people at home and to have the young mother with her baby under the care and guidance of her parents or guardians or whatever. I would prefer to have her with her husband; but that failing, parents are second.

SENATOR ABATE: Would the Senator yield to another -

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

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR ABATE: In an ideal world, that may be the case, but would you acknowledge that many young teenagers and, in fact, the teenagers that you are talking about that are on welfare and not living at home, many of them come from dysfunctional families and the majority of them have been either sexually abused or assaulted.

SENATOR HOLLAND: I wouldn't - no. No. I don't know that, and I'm sure you don't know that, either. We're not taking those people and putting them back in the house. We don't want them if that's the situation, but I still feel that it's not only in the City of New York. It's in your district. It's in my district that those things may happen. I still feel that they are better with the family if at all possible.

SENATOR ABATE: Do you -- will the Senator yield to another?

ACTING PRESIDENT KUHL: Senator

Holland, do you continue to yield to Senator Abate?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR ABATE: Do you concede that the ultimate outcome will be that these young teenagers will not return home? They will stay on the street, and their children will be at risk, or many of them may even seek abortions. Do you see that the two other alternatives may occur as a result of this legislation?

SENATOR HOLLAND: Anything can happen, Senator. Do you think we have done the right thing for the last 40 years? Do you think we have encouraged families to stay together? Do you think we've encouraged fathers to stay with their children? We haven't done the right thing, and we're trying to move this back into more family values, more supervision, and it just makes more sense to me that way. I don't know any other way to explain my position.

SENATOR ABATE: Can I respond? Was that a question?

ACTING PRESIDENT KUHL: You have the floor, Senator Abate.

SENATOR ABATE: I think the issue is not around family values. The issue is around education and showing young women through education, through counseling to parenting skills, to help them be productive and functioning individuals.

SENATOR HOLLAND: Fine.

SENATOR ABATE: As you said before, the key to our economy, the key to economic and human productivity, is education; and this bill completely avoids seeking what I think is the appropriate remedy.

SENATOR HOLLAND: I don't think so, Senator. I feel that if they're home with their parents, maybe they have a babysitter built in. I don't say it takes education away from young women because they are home rather than living in an apartment by themselves with a child. I think they have a better opportunity

of education if they are home with their parents and their young child or their guardians rather than by themselves.

SENATOR ABATE: Would the Senator yield to another question?

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

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR ABATE: There is another part. There is a part that talks about unmarried persons on home relief who are under 21, saying that they will lose their benefits unless they return home. But that individual wouldn't be eligible for home relief unless they were able to show that their parent or guardian was not willing to support them in the first place. So I don't understand how this legislation would work in reality.

SENATOR HOLLAND: I'm sorry. I missed the end of the question.

SENATOR ABATE: Yes. In order

for an individual to be eligible for home relief they must show that their guardian and parents do not want to support them, and yet this legislation would force them back to that very environment where those parents and guardians don't want them.

SENATOR HOLLAND: I don't think it does that, does it?

If the parent does not want them in the household, they are not forced back into the house.

SENATOR ABATE: Pardon me?

SENATOR HOLLAND: If the parent does not want them in the household, they are not forced back into the house.

SENATOR ABATE: And that is -- I don't see that in the legislation.

SENATOR HOLLAND: That's my understanding, Senator. I will be glad to back you up on it if you have any questions when it actually happens.

SENATOR ABATE: I will have to look at that.

On the bill.

ACTING PRESIDENT KUHL: Senator Abate on the bill.

SENATOR ABATE: I believe that instead of reuniting families, which is, Senator Holland, the goal that you conceive this bill will produce, instead this bill will force young teenage women -- and we're talking about a very small percentage of them -- who are pregnant not back to their families but putting their children at risk; that these young women will - instead of going to their homes will go to the street. They will lose that financial benefit and that the children will be raised on the street and we will have to pay for these individuals in shelters, so we will be putting the young woman at risk as well as the young child.

I think we have to get in the real world. When we talk about picket fences and we talk about babysitters and we talk about functioning families and mothers and fathers who care about their teenage daughters, we are not

talking about a huge subset of population from the city that I have come from, and that's New York City. And if we're going to make a difference, it is not through a punitive effort such as this. That will not drive young women back to their homes because the profile of this young woman is one who does not want to go back to the home because she's been subject to abuse in that home. And even though there's an exception that says that if the person can show that she has been abused she could still be entitled to benefits, this is the very individual who does not want to go back to social services, does not want to engage in a hearing, does not want to confront their parents around this abuse and neglect.

So what will happen in reality is that the young woman will choose not to take the benefits, will choose not to go home. She will either remain on the street and maybe seek an abortion, but, more likely, the woman will stay with that child; because if you look at the studies -- and I have worked with so many women

at risk -- they have children not because they want financial incentives. They have children because of the need to have an identity. They want to be needed. They want to be loved, and they don't feel that they have another life other than to raise a child.

So what we have to present to young women are options, not punitive options such as this that will put young children at risk. Why -- and we should ask ourselves -- is the New York State Catholic Conference against this bill, and I would like to read two statements. Their rationale is teen mothers are not treated effectively under the current system. Every effort must be made to assist these young women in obtaining the requisite education, training, child care and living arrangements to enable them to escape a cycle of poverty and welfare and to lead productive lives. Forcing young mothers to live with their families without evaluation and careful provision for care and services will likely subject them to abuse, and so what I'm

suggesting -- this is again a bill that suggests that the reality is maybe the reality in some of our communities, but is not the profile of the women that we are talking about. It does not meet the realities of the women; and, again, we're only talking about a small fraction of teenage mothers under 18 on welfare. We must look at their realities. Why did they leave home in the first place? Why will they not seek a hearing under the social services agency? Why did they get pregnant in the first place? It's well beyond the fact that they may receive some financial assistance.

Until we get to the understanding of why young women get pregnant, this bill is superfluous. It will produce a negative impact on young women and their children, and I hope, Senator Holland, you will reconsider this piece of legislation.

ACTING PRESIDENT KUHL: Chair would interrupt the debate to recognize Senator Skelos.

SENATOR SKELOS: Yes, Mr.

President. At this time would you recognize Senator Solomon for purposes of voting?

SENATOR SOLOMON: Thank you.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 88. This action shall take effect July 1, 1995.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

SENATOR SOLOMON: No.

ACTING PRESIDENT KUHL: Senator Solomon will be recorded in the negative. The roll call is withdrawn.

Chair recognizes Senator DeFrancisco.

SENATOR DeFRANCISCO: On the bill.

ACTING PRESIDENT KUHL: Senator DeFrancisco on the bill.

SENATOR DeFRANCISCO: One of the

arguments that is raised over and over again about this particular bill, at least it's been this afternoon, is that people want jobs. They don't want to be on social services. They don't want to be dependent on others for their support or for the support of their family. I agree with that argument. That's an excellent argument, and I think that no one intentionally wants to be dependent on anybody else, or nobody wants to have the state take on their responsibilities; or if there are some, it's very few.

But in order for people who truly want to have a future, want to have some opportunity to raise a family, to take care of themselves, there has to be jobs out there that are real jobs, jobs that people are proud to go to and that they can make a living wage; and if we haven't seen what's happened in this state over the last several years in the economic climate as relates to other areas, then I think we're not looking very closely.

There are a lot of individuals in

low paying jobs that are struggling to make ends meet and struggling so they don't have to start a cycle of dependency; and what we have to do, I believe, is make their futures and the futures of those individuals on the border of being pushed into a cycle of dependency to earn a decent living; and the only way to do that that I know of is to provide an economic climate that creates jobs; and the only way to do that is to make this state more responsible in how it spends its money so that there aren't taxes, fees, regulations and all these problems that are devastating to job creation.

My area of the state has been losing jobs substantially over time. Every day of the week it seems there is another 100 jobs going elsewhere; and what are we doing for our citizens at that point but creating more despair and more hopelessness and bringing more people into that cycle, and I think we've got to stop, and I think that's what this last election was all about. You got to stop. You got to change the direction. Give that young person an

opportunity not to be dependent, to be the best thing that that person can be.

Now, even if all of these cuts that have been labeled to be so drastic occur, we will still have the most generous social services program in the entire country. So we are in a situation where we are still understanding the needs of people who truly need help but we're trying to turn the corner, and I think it's extremely important that we do that.

Education has been mentioned time and time again as the answer; but if anyone has really studied the budgets over the last five years, five years ago 28 percent of every state dollar was spent on education; 28 percent was spend on social services. Last year, it was a disgrace; 21 percent of all dollars spent on education and 39 percent on social services - 39 percent. By the year 2000 if we kept that direction going, half of our budget would be spent on social services.

Now, I don't think anybody on either side of the aisle is saying we're not

concerned about that mother who is a teen or that pregnant child, and no one is saying that we're not concerned about those individuals living on a fixed income or that need assistance, but we've got to cut the cost of this system that has gone totally out of control for there to be any money for anything else that's needed in this budget, especially education.

The thing that I think is extremely important that hasn't really been emphasized is that this cannot be looked at in a vacuum, because the Governor, at least in his budget and I suspect we will do the same thing and have done the same thing, has indicated that we will provide more spendable income for those people trying to get off of the cycle of dependency by raising the earned income tax credit if that becomes part of the budget.

Also, the Governor has proposed, and I think it makes a lot of sense, those individuals who are starting to lose some benefits, let them save more, let them keep more

if they are working. They don't lose benefits up to $200 of earned income now rather than the 20 or 30 that they were allowed before, and 20 percent above that is kept; in other words, an incentive to say it's better to be off of the system and we're going to try to help you do that, so I don't think we can look at this in a vacuum.

Everyone here wants to make sure that those who truly can not help themselves are provided for, but we can just not continue doing what we're doing. Business as usual is destroying the economic climate of this state, and I think it's essential that we move in this direction; and for that reason and for the reasons I have given, I'm going to support this bill and urge those who may not be sure which way they are going to go to give these thoughts some serious consideration, because I think it's essential for all of those individuals who want opportunity and want the ability to have a good paying job in this state, the direction of the state has to change, and I support this bill.

ACTING PRESIDENT KUHL: Chair recognizes Senator Oppenheimer on the bill.

SENATOR OPPENHEIMER: Thank you, Mr. President. I would just like to speak on the bill. As the chair of the Senate Democratic Task Force on Women's Issues, I feel I want to speak to the effect that these cuts have on women and children; and as a resident of Westchester County, I would like to read for the record some words that were written by the county executive of Westchester County, who as we know is a Republican and, indeed, had run against Governor Cuomo about four years ago.

Governor Pataki's war on the poor is also a war on women and children. It's a war against the most invisible amongst us, poor women and children, elderly women and sick women. The fact is that the cuts to home relief households severely affect women, especially older women. As the population ages, it becomes increasingly more female as we all know. Of the 57,000 home relief recipients over the age of 50, over 31,000 of them are women.

This budget is planning to restrict home relief and Medicaid for employable adults to 90 days and make this provision retroactive to June of '94 which would immediately cut 85,000 needy people from the rolls. Now, most people don't realize that 40 percent of those needy people are women.

The Governor is also proposing to reduce basic aid for AFDC families by 15 percent, and the Governor is pushing for a major expansion of workfare. Actually, workfare has been part of the welfare system in New York State for fifteen years now.

There are already waiting lists across New York State of women who want to work and indeed have found jobs but are waiting for child care -- a subject I speak a lot about. If this budget is passed, some of those placements may be used for workfare instead of allowing these women to access these real jobs that they have won but are unable to take because they do not have child care. Child care is where we should be putting our emphasis.

The two biggest obstacles to women getting off welfare is the lack of child care and the lack of jobs. The overwhelming majority of welfare recipients, however, are single mothers with children. That's 87 percent of our welfare recipients, and they live in pretty dismal circumstances. Statewide, one in five of our children in this state live in poverty. Nearly half of all people fed by food pantries are children. Two-thirds of the adults who utilize our food pantries are women. We are talking about serious, serious impacts to women and children and also to another topic that I have brought to this floor often, the victims of domestic violence.

Battered women fleeing their abusers will be classified as home relief recipients. This budget destroys the little support that exists for battered women. The three-month limit ensures that women who lose their home relief have no choice but to return for financial support to that batterer. This reverses all the moves that we have tried to

make in the last year to assist the battered woman.

Now, I would like to speak just for a moment on the plight in Westchester; and, here, I would like to just take a few quotes out of a letter that was written to George Pataki by the county executive of Westchester County, Andrew O'Rourke. This was written in early March. Much has been said about the great success in Westchester County of some workfare programs. I would like to point out another area where this will be very damaging.

"Certain proposals in the executive budget concern us," and this is a quote from Andrew O'Rourke's letter, "because they may well have the unintended consequence of producing new costs in the area of homeless services. Our analysis shows that they may do so to a degree that will more than offset the projected savings they are designed to produce."

Now, I have spoken on this floor many times about the size of the homeless population in Westchester County, which per

capita is the highest in our state, and here is our county executive supporting that contention as well as talking about what these cuts will mean to our county.

I will go back to quoting him on rent supplementation, "Specifically, I am referring to the planned elimination of supplemental rent payments currently made to recipients under the Jiggets, Strong and Love cases." The Love case is the one that affects Westchester County. "In Westchester, we have 452 households currently receiving monthly rent supplements averaging $300 as the result of the Love litigation. However, it is nearly certain that all of these families are likely to become homeless soon after the supplement is eliminated. For each family of three that becomes homeless, there is an additional monthly cost of about $3400 that is beyond the benefits provided to a family were they living in permanent housing."

Another area that's mentioned is the basic grant reduction of 15 percent, and

this is another unintended cost increase as seen by the county executive in Westchester, and I'll quote him here. "In Westchester County, 64 percent of families living in private unsubsidized housing are paying rent above the maximum shelter allowance. In most cases, these families are using a portion of their basic grant to supplement the shelter allowance. Reducing the basic grant by any amount will only compound the difficult choice these families already face between rent on the one hand and food, clothing and utility expenses on the other. Our greatest concern is that for some of these families given Westchester's limited market in low-cost rental housing homelessness will result."

And I will give just one example and then I think I will, yes, conclude.

Should only five percent of the families in private, unsubsidized housing pay more than the maximum shelter allowance for rent -- that would be 281 households -- should they become homeless, the county and state shares of

the additional cost would be $2.9 million each -- each family. Again, there are currently no resources to house this number of newly homeless families in Westchester other than commercial hotels and motels; and, as you know, we have been making good progress in Westchester County bringing our homeless families back into our county from other counties because there was opposition raised in other counties to us housing our homeless outside our county.

This budget, this proposed change, will cause dire, dire consequences in Westchester County, and we have to factor that in. I'm sure it is not only in Westchester county.

Thank you.

ACTING PRESIDENT KUHL: Chair recognizes Senator Skelos.

SENATOR SKELOS: Yes, Mr. President. I just wanted to remind my colleagues that the debate began at 3:15, and it's up to -- if a member wishes, at 5:15 there could be a motion to close debate at that time.

ACTING PRESIDENT KUHL: Chair would also recognize the fact that there have been six Senators who have designated to the chair that they wish to be recognized to speak on the bill.

Next Senator is Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President. I would like to ask if Senator Holland would yield for a couple of questions?

ACTING PRESIDENT KUHL: Senator Holland, would you yield to Senator Montgomery?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR MONTGOMERY: Senator Holland, I'm sorry we have such time constraints. I would like to ask you a lot of questions, but I will consider my other colleagues. I want to just ask if you have any idea about the job-readiness of the AFDC/HR participants at this point in time? Is there any indication from either the state or the

city, the locality, as to what percentage and based on their own definition of job readiness?

SENATOR HOLLAND: On the home relief side, we're only talking about the employable people, people who are able to work, single employable people.

SENATOR MONTGOMERY: I'm trying to get some sense of what percent that is.

SENATOR HOLLAND: What percentage?

SENATOR MONTGOMERY: Yes.

SENATOR HOLLAND: In the home relief area about 35 to 40 percent of the home relief people.

SENATOR MONTGOMERY: And the AFDC is it about the same? Is it more or less?

SENATOR HOLLAND: The AFDC people can stay on the rolls. It's the home relief that we're giving the 60-day requirement to.

SENATOR MONTGOMERY: But you do have a percentage of AFDC that are employable? They may have children that are in school or out of the house and you are assuming that they are

also employable?

SENATOR HOLLAND: Yes, but we are not forcing them out.

SENATOR MONTGOMERY: That's still voluntary.

SENATOR HOLLAND: Yes. Home relief is a different story.

SENATOR MONTGOMERY: All right. Thank you.

Senator Holland, if you would continue to yield. At one part of the legislation that refers to employment, you indicate or the bill says that we will require not-for-profit entities and other entities that contract with the state, not-for-profit concerns that contract with the state would be required to accept -

SENATOR HOLLAND: Oh, yes. Yes.

SENATOR MONTGOMERY: Are you aware that there is legislation to require similarly that any for-profit corporation that contracts with the state should accept a percentage of welfare recipients?

SENATOR HOLLAND: I did not know.

SENATOR MONTGOMERY: There is legislation. Would you be interested in sponsoring that, Senator Holland? Is that something you would like to see happen?

SENATOR HOLLAND: I would be interested in looking at it.

SENATOR MONTGOMERY: Pardon me?

SENATOR HOLLAND: I would be interested in looking at it.

SENATOR MONTGOMERY: There is legislation. I can certainly get that to you. It would help us.

SENATOR HOLLAND: Okay.

SENATOR MONTGOMERY: I would certainly like to see that kind of legislation. I am sure that you would also.

Now, Senator Holland -

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

SENATOR HOLLAND: Yes.

SENATOR MONTGOMERY: -- would you continue to yield?

ACTING PRESIDENT KUHL: Senator yields, Senator Montgomery.

SENATOR MONTGOMERY: I'm not clear. I was trying to analyze this for myself, but I couldn't quite figure out how we are treating now the whole issue of training. I see that you have a section in here that deals with training, the institutions that you would accept as training. Under what circumstances would an AFDC recipient, for instance, be eligible to select an institution of higher education as an option? And would that person in addition to being enrolled in a college, for instance, would that person also have to meet the requirements for the jobs, for the work, the work requirements?

SENATOR HOLLAND: There are no changes in this bill for AFDC recipients training at all.

SENATOR MONTGOMERY: For work requirements?

SENATOR HOLLAND: No. Mostly home relief, Senator.

SENATOR MONTGOMERY: That was not my understanding, Senator. But, all right. Let me just pursue. So that, it is your assumption that any person -- because there is one section in the legislation that speaks to seeking a waiver for AFDC.

SENATOR HOLLAND: I'm sorry, Senator, I'm listening to somebody else. Let me go back to your last question. The training programs that are in existence go on. They are not deleted in any way, shape or form.

SENATOR MONTGOMERY: Excuse me.

SENATOR HOLLAND: The last question -

SENATOR MONTGOMERY: Yes.

SENATOR HOLLAND: -- training for AFDC, the training programs that are in existence go on. There is no deletion of those training programs, if that answers your question.

SENATOR MONTGOMERY: The second part to the question is, would those participants, those people who are participating

in a training program, for instance, they are enrolled in a community college or a two-year college, et cetera, are they now also going to be required to meet the standards in here that are set for workfare? You have a workfare section that seems to cover those people.

SENATOR HOLLAND: Yes.

SENATOR MONTGOMERY: So in other words, they can be in training but they also still have to have at least five face to face contacts -

SENATOR HOLLAND: Yes.

SENATOR MONTGOMERY: -- with five different employers every week.

SENATOR HOLLAND: Yes.

SENATOR MONTGOMERY: Else they will be cutoff.

SENATOR HOLLAND: Yes.

SENATOR MONTGOMERY: Okay. Thank you for that clarification. Just one last question.

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

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR MONTGOMERY: If you will continue to yield. The bill speaks to fraud control, and I know you have been working on this issue a long time. I am certainly very interested in it.

Providers. How does it cover providers, you know, stores that are involved in this kind of fraud, in collusion with a participant, a welfare recipient, you know, any provider that also must apparently have some role in this activity in order for it to take place?

SENATOR HOLLAND: A recommendation of the District Attorney of New York County, Morgenthau, Food Stamp Fraud Act raises the penalties for illegal food stamp transactions and factors into the penalties the values of such transactions which would definitely have impact on store owners who illegally deal in food stamps.

SENATOR MONTGOMERY: And any other provider that participates in collusion with a participant?

SENATOR HOLLAND: Yes.

SENATOR MONTGOMERY: So the penalties fall equally on providers and recipients.

SENATOR HOLLAND: Yes. Depending upon the value.

SENATOR MONTGOMERY: Okay. Thank you, Senator Holland.

Mr. President. I would like to speak briefly to the bill.

ACTING PRESIDENT KUHL: Senator Montgomery on the bill.

SENATOR MONTGOMERY: Thank you. Mr. President, as you know, I'm opposed to many of the provisions in this bill, but mainly because I agree on one level with Senator Holland that work and the opportunity to work is preferable to living in a state of dependence, so that is my basic philosophy, and I am happy that we want to reform this system, which I

agree fosters dependence.

But, unfortunately, the direction in which we're going does not lead to independence, it seems to me, because while we're talking about sending people out to find -- to seek employment, we have not been able to address the issue that you yourself have raised, Senator Holland. Mr. President. Senator Holland has raised this issue himself, that we have lost -- we have lost over a half million jobs in the last ten years; and, in particular, we have lost those jobs in the areas where people that we're talking about here would be very likely to be able to work and earn a fair income. So we have lost those job opportunities. We have not been able to replace them; and, hopefully, we will. Hopefully, we are moving in that direction, but I certainly have not heard it, and we certainly have not spoken about that before we talk about throwing people off of welfare because they can't find a job in two months.

And at the same time, this budget

that we are putting out while we don't have the job market, we haven't created it, we're not moving in that direction, we are eliminating all of the avenues to allow people an opportunity to get themselves prepared for other kinds of jobs, the jobs in the service sector, where we are moving more to service sector jobs but we are not allowing people to prepare themselves. For instance, we want to punish the children, teenagers and their mothers, if they miss school because we say we want to encourage them to stay in school, but for what purpose?

And we are cutting out SEEK. We are cutting out college Discovery. We are cutting out HEOP. We are cutting out EOP. The Liberty Scholarship is gone. The Liberty Partnership has been possibly eliminated because it's been block granted, I understand, and cut by 60 percent. I don't see -- I don't see the avenue for shifting from dependence to independence. I don't see the invitation and the support from us to people that we're saying, "If you don't find a job, you will be cut off

in 60 days," but we are not offering any other opportunity.

So it sounds like this legislation offers people not hope but death. Now, I know that's a very strong way of putting it, Senator Holland, and I had hoped that we would have been able to debate this and discuss it and come to some agreement between both houses, both sides of the aisle, and what have you, because I think we all want ultimately the same thing. But this legislation is essentially punishing people for being poor, and that certainly I don't want. I think a lot of us in this room don't want, but that's what it does.

And I really don't believe that the people in the State of New York are prepared to agree that in order to reach this goal of having people become independent that we will punish them, cut their legs off, throw their children away, and give up, throw up our hands and say, "There is nothing more that we can do because they couldn't find a job that didn't exist and we were not in a position to create

the job, and so that's it. We're finished. We've done what we're supposed to do."

I don't think the people in the State of New York are prepared to do that. I think this sends the wrong message to everybody even people who want to see welfare reform happen. I think that this is the wrong way to do it, and the public is going to see through this fraud soon enough.

I'm against this. I would vote no, Mr. President.

ACTING PRESIDENT KUHL: The chair would interrupt the debate at this time for recognizing Senator Skelos.

SENATOR SKELOS: With the consent of the Minority, I ask that the last section be read for several members to vote at this time.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 88. This act shall take effect July 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

SENATOR SKELOS: Would you recognize Senator Hoblock.

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

SENATOR HOBLOCK: In the affirmative.

ACTING PRESIDENT KUHL: Senator Hoblock in the affirmative.

SENATOR SKELOS: Would you recognize Senator Santiago.

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

SENATOR SANTIAGO: No.

ACTING PRESIDENT KUHL: No.

SENATOR SKELOS: Would you recognize Senator Gonzalez.

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

SENATOR GONZALEZ: In the negative.

ACTING PRESIDENT KUHL: Senator Gonzalez in the negative.

Roll call is withdrawn. Debate will continue. Chair would recognize Senator Markowitz.

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

Senator Holland, the words coming from you and some of your colleagues not only here in New York State but certainly in Washington, government, in my opinion, that's turning its back on those greatest in need, and this really defines to me the differences, and that is that I think we judge a society by the compassion that it provides for those in need.

And I believe that the steps we're about to take this afternoon -- and I'm sure that you and your colleagues have a lot more in store both here in the state and in Washington -- concern me greatly.

You know, I remember growing up in the '50s and certainly most of us can remember "Ozzie and Harriet," "Leave It To Beaver," "Father Knows Best" among other shows. That was the viewpoint of a lot of Americans

about their society, although people of color would argue that the 1950s were not the greatest days in their lives, believe me, nor -- nor was it an ideal life for those of us like me, Senator Holland, that grew up on welfare and on Social Security with my mother living in public housing.

Forgive me if I'm a tax and spender. Tax from those who can afford it, or should afford it, because we are our brother's keeper, and spend for those that genuinely need it. Yes, I will believe that from the day I was born until the day the Lord calls me.

And I mean that, because I am a product, and my family, of the benevolence, of the care, and of the compassion. Although it wasn't dramatic in those days, at least society gave a helping hand.

Now, it is true that in today's society we have to take steps to cut back on abuse. Democrats and Republicans agree alike, we have to cut back on abuse. But life in the 1990s, Senator Holland, is not life in the 1950s

and '40s and '60s, when you were a younger man and certainly when I was a younger man. Believe me, it's nothing like that at all.

I think a visit into Senator Montgomery's area, Senator Waldon's, my area, even the east side of Manhattan, would begin to show you a dramatic difference in lifestyles. The society has changed dramatically. Not everyone, Senator Holland, is successful or has the tools to be successful or was given the blessings, were given the blessings by the proper direction of society, family, to strive and succeed.

The problem here is that most of us are living in terms of our income significantly above the people we serve in the state in general. How can any of you be sensitive to those that don't have when most of us eat in some of the fanciest restaurants that Albany has, and when we're not here we eat in the fanciest restaurants in whatever communities we live in, in this state? Some of you have beautiful summer homes. How can you possibly

relate to the deprivation and despair that too many people in our society have? And you think that by taking away monies and assistance will help them break out of a cycle of dependency and poverty, and suddenly they'll pick themselves up by their shoes and tighten their boots, make their bed the right way and become all of the successes that you and I would want to see in this society? How I wish, Senator Holland, we could do that. How I wish. How I wish.

But the reality is it's not about to happen. And so what does a compassionate society do? In my opinion, rather than talk about decreasing services, we ought to be intensifying services for those genuinely in need, to provide the kind of day care services and job training, to provide the kind of assistance that make people independent, not by throwing them off of assistance but by giving them a helping hand.

One other thing, Senator, the thing I fear most and you don't see it yet where you live, the gap between the haves and the

have-nots is growing, Senator. It's growing. It's not decreasing. It's widening. Let me just tell you, not everyone is as level-headed as you are here, or any of our colleagues here. When that gap, when a society's gap between the haves and have-nots continues to widen, then more and more people in our society say, "Hey, this is not my game and, therefore, I don't have to play by the rules of this game."

And I hope and pray, Senator Holland, that the steps that you are about to take this afternoon, this Senate, and what's happening in Washington, as well, will not bring my greatest fear of real problems even more dramatic than our society has experienced over the last number of years.

Now, I applaud any efforts to cut back on welfare fraud. Who disagrees here? No one should receive public assistance that are lying, thieving, abusing, for sure, and I agree that we should take every step to make sure that public assistance goes into the hands of those that truly need it. No one disagrees here.

But as a society, sir, I got to tell you something. Someone who is making $250,000 a year or 300,000, I have crocodile tears, Senator. We have an obligation in this society for one another. I'm sorry. Maybe this is where we disagree, but I believe we have an obligation in society to help those greatest in need in this society. Only by uplifting and providing for those in greatest need will our lives become even better. I really believe that, Senator, and I'm very concerned that the step we're about to take this afternoon leads us down to a road that I shudder to think. I pray not my greatest fears to be realized in society.

I'm certainly not going to be supporting this bill. Of course, I will be opposed to it. But, Senator, I hope if -- I know that a good number of my colleagues that are Republicans are not necessarily insensitive people or uncaring people. I accept that. I accept that, even though I know that business and business interests are very important to you; nonetheless, there has to be a way that

business interests and the needs of the public that is in need -- there has to be a marriage of that. There has to be a way that we can co-exist in this society together and in harmony.

ACTING PRESIDENT KUHL: Chair recognizes Senator Dollinger.

SENATOR DOLLINGER: Mr. President. I will be very brief. I was among the homeless last night, so I'm tired, and my colleagues have spoken eloquently about the problems that these cuts create.

I will just make three quick comments. One, Senator DeFrancisco talked about the rising cost of social services. He is correct. Those costs have gone up significantly. The biggest cost, of course, that has gone up is the one that isn't even addressed here, and that's long-term care for our elderly population. That is the one that's keeping double-digit increases that's driving significant social service dollars not only out of our state coffers but out of our local

governments, out of our property taxes. But it seems to me that's the kind of mythology that we often play with. It sounds very fancy to say only 20 percent of our budget goes to education and 37 percent now goes to social services, but what we don't do is identify what that 37 percent is, and how much of it goes to the elderly that we all agree we want to help.

I am also struck, I guess, by the workfare proposal which talks about requiring AFDC recipients and HR recipients to go to workfare to try to get a job. I think that's applaudable. I think what's interesting is that my understanding is that the savings that come out of this bill will be used for administration, which is appropriate, and also to increase the emergency shelter allowance, so that there are more shelters. Why? Because we know that when we cut HR recipients off after two months, we know that if we require workfare, we're going to lose people in the system. They are simply going to become homeless. They'll simply be living in Patakiville like I did last

night.

What's the last thing that bothers me most about this; and, Senator Holland, I actually applaud your looking into this issue, and I think that the Majority in this house has done a number of interesting things in the last four or five budgets that have tried to cure the problem with chronic welfare dependency. There are good things happening, the Jobs First Program. There are good things that this Majority, this house can take credit for, because I think it's demonstrated the kind of sensitive, caring compassionate, but firm, approach that's necessary to cure this problem, but it doesn't happen overnight.

The problem I have, and it's best epitomized by the proposal that minors live at home. I know we had this debate. I asked a number of questions last time. What troubles me most about it is that what this will do is the one thing that I thought the Majority did not want to do, which is, this will bring government

into every single AFDC household in this state, because the very first thing that will happen is someone will say, "My father doesn't want me to live there. I don't have to go back." And the next thing that the social service department will say is, "Get a letter from your father or your mother that says they don't want you back," and somebody is going to forge that. Some parent is going to say, "Sure, I will take them back if you give me their benefit," and we're going to put tremendous stresses on families, and some poor Family Court judge or some even poorer social service hearing officer is going to have to decide whether this family really wants the child back in the home. What happens if it's just one parent? The father says, "Yes, I want them back," but the mother says, "No, no, no, I don't want my daughter back," or "I don't want my son back." What's the hearing officer to do? He's now got one parent saying one thing, one parent saying another. Is some social service hearing officer going to sit down and say, "I'm the Solomon"? "I can cut this

family in half. I will have the child come home the days that the father is home but not the days that the mother is home." That's what we're talking about if we try to enforce this kind of system.

I hate to say it, but the vision that drives this bill, it seems to me, is inconsistent with the population we're trying to serve. Senator Markowitz, Senator Montgomery, Senator Abate, people who -- Senator Espada who spoke eloquently on this bill, Senator Waldon, represent people, many people, who need AFDC payments; yet their voice says, "Don't do this." Don't do it because it's not the right thing to do.

Let's take the longer path, the harder path of the Jobs First Program and the programs that we've got underway that are working. Do it that way. Don't do it in this draconian approach. Listen to the people who represent significant numbers of people on AFDC, as I do in the city of Rochester, and every voice I get from the population I was elected to

serve is, "This is the wrong way to do it." It may fit everybody's political agenda, but it won't fit the people agenda in this state.

We're doing a number of good things. Let's continue to do those. Let's forget trying to create a family police department so that we can enforce workfare and learnfare and homefare and requiring that the government get involved in everybody's family to try to keep it together. Let's figure out a more compassionate system that achieves that goal without intruding government into everyone's lives. Seems to me that should be something we can all agree on.

ACTING PRESIDENT KUHL: Chair recognizes Senator Skelos.

SENATOR SKELOS: Mr. President. I believe on the list we have Senator Marchi and then Senator Jones. In consultation with Senator Paterson, I believe they will be the last two speakers, and then there will be a slow roll call, I understand; and then perhaps at that time if somebody wants to explain their

vote, they can, because we're right about at that two-hour limit.

ACTING PRESIDENT KUHL: Chair recognizes Senator Marchi on the bill.

SENATOR MARCHI: Thank you, Mr. President. My expectations on the bill that will finally be or the legislation that will be finally enacted, or the budget that's going to be finally enacted, will not assume the form that it was presented but, in great part, it represents a very strong effort on the part of the Governor and on the part of many people, I think, to face certain harsh realities on terms that will not leave New York behind any other state in the union in terms of a disposition and a commitment to meeting human need.

I think this is implicit. I believe that the budget that we pass will not be inconsistent with what I'm saying here now, but that will be the case, in my estimation.

But there are changes taking place. Go back to the '30s when we had tremendous depression, and there were great

pessimistic estimates made of the American people and their ability to produce and their work ethic. We had 10 million unemployed going into World War II, with about 50 million employable people, which was a very high percentage. If we were to translate it now -- I mean we're nowheres near that.

Nevertheless, we fought a war around the world, and we were responsible for the logistical miracle that America represented. We outproduced all the other nations of the world combined in securing victory and rehabilitating the world after the war was over with the Marshall Plan and the other instrumentalities that restored, at least in the free world, a higher standard of living.

What are we faced with now? I'm not sure about Washington and what their intentions are. Some of you may be enchanted with Democratic rule down in Washington. Others will say that it's the Republicans. I think the jury is still out. Frankly, when it gets down to our level, we see that although they control

immigration, for instance, they will not accept the responsibility for caring for the people that may need help, may need assistance, and this falls very heavily on those states that have demonstrated -- and I make no apologies for it. I think it's to our credit that we have been sensitive to human need. But there is no effort to meet us in that struggle, Titanic struggle so that even legal immigrants don't receive any assistance from the federal government for the first three years of their stay.

We go on to the invidious comparisons that are taking place within the states. We don't have a national view, and this is a new, I think, an added factor, that we can throw into this equation because many of the things that have been said here today on both sides of the aisle are not inconsistent, but we live in a country where there are 50 jurisdictions. Maybe three have home relief. The other 47 don't.

I read today in the Orange

County, California, experience with I guess derivative suits and unwise investments, where Avery Willis, an executive with Scott Worldwide Paper Company said, "Cuts in social services might offer a benefit in disguise in persuading the counties growing number of poor people to move." "That's a crude way to talk about it, but it's real," Mr. Willis said, "Let them go live in New York." Now we don't have a national view of human need. We have Mr. Willis telling us, "move to New York".

It is not a discredit on our part that we have been sensitive to that appeal. Several years ago, I read about some nuns in New Jersey who paid the way to people who were in need of help, medical assistance, and they paid their way into New York because New York would take care of them. We simply have to come to grips with reality. We have to ease the harsher impacts that appear obvious to many of us; but at the same time, there is an urgent need that we recognize the problem for the dimensions that it has. What is going to happen with the rising

-- you know, I'm one of them -- rising age median, median age in the United States, broad phalanxes of people going into the 70s and the 80s, 90s, all needing assistance? Many of them will need assistance desperately.

We have to -- we have to have a national view. We have to have a more common concept of human dignity and our willingness and commitment to meet that. I think what the Governor is attempting to do here is to husband our resources with some imagination; and with the help of the legislative process, I think that we will produce an orientation that will be healthful, and I think that process is going to take place.

What we are doing in evolving a budget, we are evolving a document that is the expression of the Legislature and the Executive; and I think the Governor has taken that very much to heart. I believe that he is not insensitive to these things. These things have to be brought out. The Assembly -- the Assembly should be passing some legislation if they

represent some of the views that have been expressed here today. Let's have it all out. Let's put it all out on the table so that we can reason intelligently.

I think that the Majority -- and I hope that some of you may feel the same way because you don't govern by brut force in saying, "We won and you lost." We all have to win, and we all have to be able to support a policy that finally emerges. Even the Court of Appeals, Judge Kaye, the presiding justice in the Court of Appeals, in writing a unanimous decision in the Lovelace case, and this is in response to Senator Waldon's plea, which I was certainly sensitive to. There's been a change even in the Court of Appeals. They say that if you are going to challenge a legislative act as being unreasonable, then you must prove beyond a reasonable doubt that it's unreasonable. Now, that's -- you know, you are almost treating it as we treat crimes. This is pretty strong medicine that the Court of Appeals has arrived at, but it is an indication of the circumstances

in which we live in.

So I think that -- don't feel anybody who has gotten up and said things - because there isn't anyone who didn't stand up and say things that didn't strike a responsive cord with me, and I think that is a shared feeling, but this is a new orientation which I hope, and which I believe will be the case, will still leave us as the state that's most sensitive to the human condition. We will do it with greater prudence with the desire and the stimulus that we hope will produce a more wholesome attitude, and I don't want to draw invidious comparisons about the person who's making 250,000. I'm not making it. I don't think very many of us are making it, but we also need an entrepreneurial atmosphere that will add to our jobs, add to the economic -- and will give a stimulus to the economic engine that we have and provide the jobs so that there will be an abundance, there will be an abundance upon which we can make more enlightened, more compassionate decisions.

But we can't do it at the rate and the pace that we are going now. If we have 40 percent of the unemployment and all the other states are beginning to rise and they say, "Send them to New York if we have a problem," we don't want to accept that. We don't want to accept Washington telling us that they are not going to share some of the burden that we are carrying so manfully -- or personally. How do I say that politically correct? We can't do that.

And states like Florida, states like California, they are in the same boat. They are in the same boat. So that let's not be too cruel with each other. Let's be enlightened and understand the circumstances in which we live, and I feel that -- I feel that the step that is being taken today in the composite of companion effort, because we seem to be the only ones that are legislating. I don't hear of any action going on down the hall. Maybe there is. But the last time I checked, there wasn't any. I believe that we will fashion a document that will preserve our preeminence in terms of a

desire to meet human need and at the same time begin to turn this picture around, begin to turn this picture around, so that we create the premises for a more abundant society.

And for these reasons, I'm going to vote yes, Mr. President, and we will come by this issue again, I'm sure, and I believe that out of all of this a growing consensus will grow that will benefit this state.

ACTING PRESIDENT KUHL: Chair recognizes Senator Jones to close debate.

SENATOR JONES: Well, I would leave that to my leader. But I do have a question.

I would like to just focus for a second on the learnfare piece, because, as you know my background, that's probably the piece I'm most interested in. I myself had a bill last year because I do know there is a problem in the system and, of course, if I find the solution, it's not acceptable; but, last year, it came to my attention that we had over 200 children in Rochester schools who were receiving

public assistance, not attending school except once in 21 days, signing up so that the school was verifying they were there, then leaving and collecting benefits. I put in a bill to try to match that up because education is important to me, and you either are getting one or you're working. To me, that seems simple.

But let me just ask Senator Holland a question about his learnfare piece that's in here that has been brought to my attention. Would you yield for a question, Senator, through you?

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

SENATOR HOLLAND: Yes, ma'am. Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR JONES: I've been speaking to some social workers about this issue, how we get the children in school and the issue of taking money away from the parents. Would it be correct to say -- first of all,

Senator, you are familiar with what a PINS petition is?

SENATOR HOLLAND: Yes.

SENATOR JONES: Would it be correct to say that if I'm the user of this system -- and I believe every one of us sitting here, this is who we want to get at, the user, the person who really doesn't care about the issue or the poverty, the user. Would it be correct to say if I were one of these people and I have a child who doesn't go to school, all I have to do is go get a PINS petition and my money is fine, and then the court or somebody else will take over the problem of the child?

SENATOR HOLLAND: It's probably true. Is that true?

It may be true, but they don't think it's that easy to get a PINS petition.

ACTING PRESIDENT KUHL: Does Senator continue to yield?

Senator continues to yield.

SENATOR JONES: I have been told by the social workers in our community that this

could very well be an issue. In fact, it's becoming too easy to get a PINS petition. So I guess what I would ask you, Senator, would you be willing to take a look at that?

SENATOR HOLLAND: Sure.

SENATOR JONES: Because if your intent is in school and a penalty there, then I would hate to see a loophole for those who might want to use that.

SENATOR HOLLAND: Absolutely.

SENATOR JONES: Okay. Then on the bill.

ACTING PRESIDENT KUHL: Senator Jones on the bill.

SENATOR JONES: I guess Senator Marchi, probably, as he does very often always crystallizes things for me in my own mind. I really believe that all of us sitting here clearly have a heart and we all have a brain. Unfortunately, at times, politics seems to prevent us from using one or sometimes both. I would like to tell you what I think of this whole bill.

I supported many of the things, and I continue to support some of the things that are in this bill, but I would just challenge us to look at some other issues that I think are within this that we could fix and I don't see this bill addressing.

For instance, job training. It's ridiculous to say, "Go to work," if you're not going to give somebody job training. But do you know what we're doing with job training? And I spent a lot of time looking at this. In the city of Rochester, we put 100 people, let's say, in a program to become a policeman. We tell them, "Sign up here and you are all going to be a policeman." Guess what? They're not going to be a policeman because there aren't jobs to be a policeman. We've got all kinds of programs out there. Data processing, that's real popular today. If you learn to use a computer, you're all set. We're deluding people with many of these training programs. It's not true. They're not going to get a job.

I know people that are unemployed

who have signed up for $2,000 programs that we're paying for in data processing, who were engineers, and are told, "There aren't any jobs." But they did it.

So I would challenge you. Let's start looking at these job training programs to be sure that there are jobs out there, and that there is a pot of gold at the end of this rainbow we're telling people.

And then the drug treatment, all of us want people to be cured of drugs today. Certainly that's a goal. That's a goal that would solve many of the problems that we're trying to deal with in this bill. But do you know what I'm told about that. We have people seven, eight times joining drug treatment programs purely to continue on the home relief, and, out there, we have serious people who desperately want to get cured of a drug addiction and can't get in the programs. I hope, Senator, there is a way to find these people and deal with them because I think they are part of the issue out there.

I'm thrilled with your issue with the child support. Bearing children takes two, and for some reason today in society we keep ignoring that, but I'm one of those people that thank God for three jobs kept me from having to collect welfare. But let me tell you, I'm very supportive of whatever you have to do to find the man responsible and see that he takes his responsibility if he's not willing to.

The fraud in the system, I was working with our own district attorney on this issue and I would have loved to work with Senator Holland, but we keep working in a vacuum around here, and sometimes we don't even know what each other is doing. But I think that's an excellent -- we definitely have to get those people, and I've heard everybody say that. I've heard the people on this side of the aisle say it and I've heard you say it.

And then I would challenge you to find the good things, and let's capitalize on them. We have always made welfare an all-or nothing system. In Rochester, we have this CAT

program that has had excellent results, where we say to a woman, "You got to go to work, but we'll still help you with a piece of the day care; we'll still help you with the health care," which an entry level job is not going to give her, and it works. We do those pieces until they get to the point where they can work. But we've always made it, "We'll give you everything or we'll give you nothing." Well, then, what is the point? Where is the incentive to go to work? We're not providing it.

I went and visited another group in Rochester called Service Corps, where they were having people come in, many of them people that had been in prison. They were paying them $85 a week or they had to be in training. They could get -- but do you know what? They were working. They were painting public buildings. This winter and last winter, when we had a bad one, they went out and shoveled every single fire hydrant in the city of Rochester to earn that money, and they took pride in what they were doing. That's working.

So I guess rather than a punishment approach, I would really rather we look at some of these good things, fix some of the well meaning things that we put in there that haven't worked, and let's remove those, and let's try to look at the good things.

I will support you in some of the things you are thinking of because I think, as Senator Marchi said, we all know this will not become the law, what we are looking at today. I certainly support the concept, and I would love the opportunity, you know, to work with some of you on fixing some of these things, because if we don't fix them, then the people you heard Senator Markowitz talk about and Senator Montgomery, those are the people that are going to get hurt if we are not careful, and I really believe in my heart that there isn't one of us sitting here that do want to hurt those people who need us.

ACTING PRESIDENT KUHL: Secretary will read the last section.

SENATOR PATERSON: Slow roll

call.

ACTING PRESIDENT KUHL: Slow roll call has been requested. Five Senators please stand who request it.

Seeing five Senators stand, Secretary will call the roll slowly.

THE SECRETARY: Section 88. This act shall take effect July 1, 1995.

ACTING PRESIDENT KUHL: Secretary will call the roll slowly. Call the roll slowly.

THE SECRETARY: Senator Abate.

SENATOR ABATE: No.

THE SECRETARY: Senator Babbush.

(There was no response.)

Excused.

Senator Bruno.

(Affirmative indication.)

THE SECRETARY: Aye.

Senator Connor.

SENATOR GALIBER: Senator, suffer a point of information? Mr. President, is the bell ringing?

ACTING PRESIDENT KUHL: I don't know. Is the bell ringing? The bells are ringing.

THE SECRETARY: Senator Connor.

(Negative indication.)

THE SECRETARY: Senator Connor in the negative.

Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator DiCarlo.

SENATOR DiCARLO: Yes.

THE SECRETARY: Senator Dollinger.

(There was no response.)

THE SECRETARY: Senator Espada.

SENATOR ESPADA: Explain my vote.

ACTING PRESIDENT KUHL: Senator Espada to explain his vote.

SENATOR ESPADA: Mr. President,

today we here adopt the Republican welfare law. I think the premise, the guiding premise, the legislative initiatives before us don't take us in any measure to the kind of result that we want. We make poor people presumptively criminal through many of these initiatives while leaving the Wall Street panhandlers alone. It's O.K. to give out to them; after all, they're elbowing their way to the welfare lines and, in fact, are in front of the welfare lines these days.

I think until we tackle that problem, until we strip away this whole nonsense that it's O.K. if you abridge; it's O.K. if you promise jobs if you don't deliver; it's O.K. if you can afford to have $1,000 fund raisers and give, then you won't be cast as some kind of pariah of the society.

My people, 50 percent of the population that I represent can't make it to those fund raisers. They send your humble servant up here, and so we try to do our best. We're against the tide. We understand that, but

bad times are no excuse to be cruel. Bad times are no excuse to be irresponsible and bad times do not give us the right to violate the Constitution of this state which very clearly, very clearly says that we shall provide for the needy. It doesn't give us the kind of legislative discretion. It is not a legis lative grace to deprive these people of their basic human rights.

I vote no.

ACTING PRESIDENT KUHL: Senator Espada in the negative.

THE SECRETARY: Senator Farley.

ACTING PRESIDENT KUHL: Senator Farley to explain his vote.

SENATOR FARLEY: Thank you, Mr. President.

Let me just say I'm proud of this side of the aisle, I'm proud of my party passing a budget on time. We're doing our constitution al duty. We're supposed to have a budget by April 1st. This is the start of it. All I can hope is that the Assembly will also start

passing a budget this week so that we can, for the first time in almost memory in 10 or 11 years, that we could have a budget by April 1st.

I vote aye.

ACTING PRESIDENT KUHL: Senator Farley in the affirmative.

THE SECRETARY: Senator Galiber.

SENATOR GALIBER: No.

THE SECRETARY: Senator Gold.

(There was no response.)

Senator Gonzalez voting in the affirmative earlier today.

Senator Goodman.

SENATOR GOODMAN: Yes.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Yes.

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

Senator Hoffmann.

SENATOR HOFFMANN: May I have my name called?

ACTING PRESIDENT KUHL: Senator

Hoffmann to explain her vote.

SENATOR HOFFMANN: Thank you, Mr. President.

As is so often the case with negotiated measures of this sort, there are provisions within this bill that I support and I know my constituents support. There are other provisions with which I am most dissatisfied and I fear that we will be revisiting them in the not too distant future.

One of those provisions is the oft-debated in this house LearnFare measure. If I had my opportunity to vote against that provision and support most of the others in this bill today, I would be much happier casting a yes vote, but I will reluctantly cast my vote in the affirmative but not before I state my very -- my very strong sense of abhorrence for a bill that has as one of its components a measure that would penalize poor families by taking food off the table because one student is errant or truant in school.

I would hope that all of my

colleagues will watch as closely as I will to see how this measure plays out in Onondaga, Madison and Oneida Counties. It is simply not possible in all families for the custodial parents to ensure that every student in his or her custody is attending school at all times and when a student is delinquent, irresponsible or simply not attending school, what possible justice is there in taking food off the table for the rest of the family by diminishing that family's welfare grant?

Having said that, there are so many other provisions in this bill that are overdue and an important adventure or experiment in addressing the outstanding problems of Med... of welfare abuse in this country for so many years, that I feel it's an important step to undertake. But the license provision for the parents or non-custodial parents should generate an enormous amount of revenue to this state, should generate an enormous amount of revenue that the families who need it first, and we will be watching closely to see that this is, in

fact, carried out and that it does, in fact, enrich the quality of lives of those children who are -- by the provision of these support payments right now.

So this is not the beginning, it is not the end of the debate. The bill is going into effect. It's certainly going to have some modifications in the years ahead. I will reluctantly vote yes for an experiment.

ACTING PRESIDENT KUHL: Senator Hoffmann in the affirmative.

THE SECRETARY: Senator Holland.

SENATOR HOLLAND: Yes.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Aye.

THE SECRETARY: Senator Jones.

SENATOR JONES: Explain my vote.

ACTING PRESIDENT KUHL: Senator Jones to explain her vote.

SENATOR JONES: Again, just to reiterate what I said before. I'm very comfortable that this will not become the law but I definitely support the concept and I

certainly am not going to vote yes because of something I think it's to be proud of. I just think it's something that signifies there is a problem and the problem needs fixing.

When the bill comes back again, I hope, Senator Holland, you will have looked at some of the things that I suggested and perhaps we can get something that will certainly take care of those who are using the system, but continue to do what we want to do for the needy out here in this state.

I vote yes.

ACTING PRESIDENT KUHL: Senator Jones in the affirmative.

THE SECRETARY: Senator Kruger.

SENATOR KRUGER: Yes.

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Aye.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Aye.

THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: Aye.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: Aye.

THE SECRETARY: Senator Leichter.

ACTING PRESIDENT KUHL: Senator Leichter to explain his vote.

SENATOR LEICHTER: To explain my vote.

Two rationales have been given for this bill. One is the state is in a financial crisis. Welfare costs are out of control. We need to do something to rein it in because, after all, we've got, as my friend Senator Stafford said, a $5 billion budget.

That's false. It's false in this sense, because that deficit exists in large measure because you, the Republican Majority and the Governor, wanted to give a tax cut that will go essentially to wealthy people. So you're taking money from poor people, people in need, infirm, the elderly, children, and you're giving this in tax cuts to people who are essentially

well off.

The second rationale is the welfare system is broken and it doesn't work, and so on, and I think we all agree that it's a system that has problems. It's a system that certainly hasn't brought people in the main stream but this bill doesn't address that problem because, as I pointed out, it is essentially punitive.

It doesn't have provisions in there for effective training. There's no overall plan or program for job creation which is really what is needed. We have in this country really a large number of people that are outside of the -- of the bounds or the main stream of this society that need to be helped to be brought in.

I agree, just throwing money at them is no answer, but certainly their basic needs have to be met and what we're dealing with is essentially economic problems and unless we deal with those economic problems and we need to deal with them on a national/international

basis, we're not going to be able to solve the problems of a growing number of people who cannot find jobs in this society.

This bill in no way addresses this. It ends up being, as I say, a heartless bill. I vote in the negative.

ACTING PRESIDENT KUHL: Senator Leichter in the negative.

THE SECRETARY: Senator Levy.

SENATOR LEVY: Aye.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Aye.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Aye.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Aye.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Aye.

THE SECRETARY: Senator Markowitz.

SENATOR MARKOWITZ: No.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Aye.

THE SECRETARY: Senator Mendez.

SENATOR MENDEZ: No.

THE SECRETARY: Senator Montgomery.

ACTING PRESIDENT KUHL: Senator Montgomery to explain her vote.

SENATOR MONTGOMERY: Yes, Mr. President.

Briefly, I just want to remind my colleagues that right now in New York City I believe there are some 15- to 20,000 people who are attending one of the SUNY campuses who are on welfare and that says to me that there - these are people who really want to get off of welfare and to go to work. Since there is some opportunity for them to do that now, small, small window as it is, they make supreme sacrifices and somehow they manage the B.S. in college and preparing themselves. Many of them bring their children to college with them because there is a college campus child care and so they can be in school, their children can be

in day care and when they want -- once they leave, it has been proven in no uncertain terms that they will never, ever have to go back on welfare, and they will earn a respectful decent income and have as the reports that we have now of people who have been able to go into higher education based on some of the opportunity programs that we've provided, they are contributing tremendously to the economy of this state, especially New York City, but all throughout the state in terms of the earnings that they have, the taxes that they pay back and the tremendous contribution that they have made to our state in many areas.

So it is pennywise and pound foolish to cut off opportunity, and I am afraid that this legislation really cuts off opportunity. It does not encourage people to be on the path of independence. So I am voting against it because I believe in people having an opportunity to work and earn a decent income and until we do that, I am unalterably opposed to punishing people, especially since obviously,

based on your own statistics, Senator Holland's own statistics, a third of the people who are on public assistance are children. Two-thirds of them are children.

And so, Mr. President, I am voting against this legislation, but I want to be on record that I am for welfare reform, but I'm opposed to this kind of punishment of poor people.

I vote no.

ACTING PRESIDENT KUHL: Senator Montgomery in the negative.

THE SECRETARY: Senator Nanula.

SENATOR NANULA: Explain my vote.

ACTING PRESIDENT KUHL: Senator Nanula to explain his vote.

SENATOR NANULA: In my estimation what we're really seeing here today is another example of what I believe this administration and this form of policy is representing and that's cuts in a vacuum.

I stood in front of this Legislature before in this chamber many times

and referenced the fact that I think virtually everyone here can agree that we do need to figure out ways to do more with less. We do need to figure out ways to reinvent government, to cut waste, to cut the tax burden, the regulatory burden on businesses, on agencies, on municipalities. I think we could all agree on that.

But when we get beyond the philosophy to the method of accomplishing that is where we run into problems and where I feel there are fundamental differences in approach certainly on either side of the aisle. This, again, in my opinion is one specific example. We're talking about cuts. We're talking about cuts to those who are poor. We're talking about cuts to women, cuts to children.

In doing so, we're also discussing or at least those on the opposite side of the aisle the fact that we need to stimulate a better environment for business. Well, I believe these cuts are being made in a vacuum, that instead of developing programs that

are solution oriented, whether it be revolved around health care that's affordable or day care or education, all of which by the way are looking also to be cut this year, we're instead saying, Let's instead have people fend for themselves.

Where are the jobs? Where is the economic vitality? I feel it's irresponsible. I don't see a responsible plan being developed here, one that really is going to go after the poorer aspects and developments that are going to make New York State a better place for all of us to live.

I do feel that we need reform especially in regards to welfare, but until we develop a system and a plan that addresses the real causes, this type of legislation is only going to hurt those who are currently really in need most of government.

I vote no.

ACTING PRESIDENT KUHL: Senator Nanula in the negative.

THE SECRETARY: Senator

Nozzolio.

SENATOR NOZZOLIO: Mr. President, I ask permission to be excused from voting to explain my vote.

ACTING PRESIDENT KUHL: Senator Nozzolio to explain his vote.

SENATOR NOZZOLIO: Mr. President, my colleagues, we can no longer afford either economically or ethically to continue supporting a bloated welfare system which acts as a disincentive to work, encourages a life of public assistance, with dependency from generation to generation.

What was constructed many, many decades ago as a safety net has been turned into a hammock by some and, as the Governor described a few months ago, a bureaucracy created that has entangled those who want to get out of a dependency. He characterized it, I think, appropriately as a spider web.

What we're trying to do is make it a trampoline to get people off of public assistance and to reduce the financial and human

costs of welfare. In order to do that, Mr. President, we must empower people to become self-sufficient and provide an atmosphere where they're going to be encouraged to enjoy the dignity and freedom associated with working for a weekly paycheck.

I did not hear any of my colleagues who opposed this measure talk about one of its very essential components, and that is the objective of eliminating once and for all the "deadbeat dad" syndrome that we have in this state. We heard much rhetoric about children but none about supporting this provision which eliminates the right that an individual in this state enjoys to drive a car or gain a professional license if they are a "deadbeat dad". Make no mistake about it, you are voting against a major reform to stop "deadbeat dads" in this state.

We have a choice this year. We can either take action which is necessary to break the cycle of welfare or we can continue to spend excessively without any regard to reform a

system that ends up accomplishing very little if nothing.

Mr. President, my colleagues, this measure needs to be adopted. It needs to be adopted quickly. It needs to be adopted to bring freedom and independence once and for all to the people of this state.

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

SENATOR NOZZOLIO: I support this measure. Aye.

ACTING PRESIDENT KUHL: Senator Nozzolio in the affirmative.

THE SECRETARY: Senator Onorato.

ACTING PRESIDENT KUHL: Senator Onorato to explain his vote.

SENATOR ONORATO: To explain my vote, Mr. President.

I reluctantly intend to support this measure only because I feel it is a very first step towards reforming of welfare, and I also believe that we're not going far enough by not including corporate welfare. You know, it's

one thing to continually pick on the poor and not look at some of the welfare benefits that we're giving some of our richest industries in the state.

I think we've got to take a little closer look at their welfare benefits and if we're going to share the pain, let's do it across the board because I think the people of New York State would have a much better understanding if everybody was able to share the pain equally because right now the way we're presenting it is that New York State Legislature is presenting cuts for the welfare, cuts for the social services for the middle class, and cuts in taxes for the most wealthiest people of the state.

Again, I know this is a one-house bill. Perhaps it will be the spurring motion that will be needed for the Assembly to pass their version of welfare reform and then hopefully both of our houses will get together and come up with a much more compassionate bill that will benefit the entire state.

So I, therefore, vote yes.

ACTING PRESIDENT KUHL: Senator Onorato in the affirmative.

THE SECRETARY: Senator Oppenheimer.

ACTING PRESIDENT KUHL: Senator Oppenheimer to explain her vote.

SENATOR OPPENHEIMER: Explain my vote, please.

It's funny, I can't decide if I should reluctantly vote yes or reluctantly vote no. This bill has a lot that's good in it and it has a lot that's terrible in it.

I think Senator Nozzolio was just talking about empowerment and I feel empowerment is to provide for the needs that folks have to get themselves out of the poverty cycle and into the mainstream and that, first and foremost in my mind, is providing them with child care because without child care nothing can happen, and with education and training so that they can get jobs and then, of course, most importantly, jobs. We need to have jobs that these people

that will be educated and trained for them will fill.

Of course, all of us support going after the "deadbeat dads", but I think I have to listen to my County Executive when he says, and we know it to be true, that the subsidies received for shelter or just the cut back in the general allowance will cause considerably more homelessness and in our case at least I know in my county a goodly number of our -- our homeless people, maybe 15 percent are working but the working poor cannot afford to live in our county without this subsidy.

So I think I have to respond to that, and I have to say that cutting the subsidy is certainly not the way to go when we have the Jiggets and the Lovelace case saying that we are not providing presently enough allowance for people to go out and purchase shelter.

So I will be voting no even though there are many things I support, and I would like to see a resolution between the two houses that is a little more realistic.

ACTING PRESIDENT KUHL: Senator Oppenheimer in the negative.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.

THE SECRETARY: Senator Paterson.

ACTING PRESIDENT KUHL: Senator Paterson to explain his vote.

SENATOR PATERSON: Mr. President, we have a piece of legislation here that establishes a residency requirement around the state. There have been several United States Supreme Court decisions that have ruled that a residency requirement interferes with the interstate travel of an individual.

We have a requirement that has also been struck down by courts, that that person even if they are a legal resident who was on any form of public assistance arose from a residence outside this country and then moved to New York, that we're going to deny them any kind of service for six months. That's been struck down.

We have benefit limitations of 60 days for home relief. That is going to violate, we feel, Article XVII of the Constitution as Senator Waldon pointed out, where we are required to help the indigent. We can not do what they did in Michigan based on our New York State Constitution.

We have benefit reductions that fly in the face of several court decisions that we've already had. We have the Jiggets decision, the Lovelace case, and so I think if we really want to find some workable, sensible achievable ways to reform welfare, we've got to stop putting out bills that are in some respects unconstitutional, in other respects fly in the face of our court decisions. In other respects we are replacing statutes with what were agency provisos that are unconstitutional and I think that it is a shame that we are doing all this just to scapegoat individuals who, for the most part, are poor and are needy and need our service. That's what government's credo is. That's what government is supposed to do, to

help people who can not help themselves.

The reform aspects of this bill are good. I believe Senator Leichter and Senator Hoffmann talked about what it does for "deadbeat dads" to set the record straight and also if we're going to talk about "deadbeat dads" and we're going to talk about reform then let's start piercing the corporate veil for those fathers who shield themselves by being married to women who own businesses. They are listed as not making a dime. It's -- there's no way to go after them. This bill does not address it, and it's my opinion that they are responsible for a great deal of the money that is not paid to their children where they are acting irresponsibly, and acting in an irresponsible way.

Otherwise, I think there are a lot of reforms that we should actually address in all kinds of pieces of legislation, those that are apt, that stop thievery and cheating and the things that Senator Markowitz and Senator Espada described earlier that are good,

but for the most part to spend this amount of time on really what are going to be revenue raisers that are not in any way equalling the amount of money that has put us in deficit at this time, makes me unfortunately feel that it is more of a political agenda and not a true reform.

ACTING PRESIDENT KUHL: How do you vote?

SENATOR PATERSON: And I vote no, and I have a phone call anyway.

ACTING PRESIDENT KUHL: Senator Paterson in the negative.

THE SECRETARY: Senator Present.

SENATOR PRESENT: Aye.

THE SECRETARY: Senator Rath.

SENATOR RATH: Aye.

THE SECRETARY: Senator Saland.

SENATOR SALAND: Aye.

THE SECRETARY: Senator Santiago voting in the negative earlier today.

Senator Sears.

SENATOR SEARS: Aye.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: Yes.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Yes.

THE SECRETARY: Senator Smith.

ACTING PRESIDENT KUHL: Senator Smith to explain her vote.

SENATOR SMITH: Mr. President, I too support true welfare reform, but even our colleagues who have voted in the affirmative on this particular bill have noticed that it is a sham. It's time that we stop deceiving the people of the state of New York because soon they're going to wake up and realize that the charade that's been played upon them, and I will not be a part of it.

Therefore, I vote no.

ACTING PRESIDENT KUHL: Senator Smith in the negative.

THE SECRETARY: Senator Solomon voting in the negative earlier today.

Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: No.

THE SECRETARY: Senator Stafford.

(There was no response.)

Senator Stavisky.

ACTING PRESIDENT KUHL: Senator Stavisky to explain his vote.

SENATOR STAVISKY: I am disappointed and distressed that we appear to be heading toward the adoption of a series of one-house bills which will make a sham, as has been pointed out and a shame of a budget-making process in this state.

We know that we have to arrive at negotiated agreement but why are we behaving like the participants in the baseball strike, if you want to call it the baseball lockout? Haven't we learned that the art of government is the art of the attainable, and that there are compromises and agreements that have to be reached between the two houses.

Yes, I would like to join in meaningful legislation to eliminate those who abuse the welfare system and should not be receiving payments because they file multiple claims. Yes, I think we should be rounding up deadbeat parents of either sex, because I don't want to be sexist about this, who fail to accept their responsibility towards the children they have brought into the world. Yes, I think we should be prepared to go after those corporations that bleed us for money and then fail to fulfill their obligations with regard to the creation of economic opportunities and jobs in New York State, and then blithely move out of the state of New York in the hopes that they can take the tax abatements and the money with them.

When we have dealt with all of these things fairly and when we agree that the purpose of welfare reform is to make it possible for people to go to work -- where are the day care programs that are not being provided by various levels of government? Where is the

training opportunities for jobs that do exist, not for jobs that don't exist? Where are the opportunities to find jobs when the private sector and the public sector seem bent upon creating unemployment rather than job opportunity.

Those people out of work may replace the people on welfare whom we're trying to get off welfare and that doesn't seem like a very rational approach. I believe in honesty in government, but what we are doing today is a dishonest exercise in political gamesmanship and it's no better on the Assembly side because I'd be delivering the same speech if I were still serving there.

We've got to come together. We've got to agree upon what we can together pass and then do it as a Legislature and not like quibbling, quarreling one-house bill advocates which I'm afraid the public will perceive.

I think the Legislature is capable of much more constructive decision

making than I have seen this week. I vote in the negative on this bill.

ACTING PRESIDENT KUHL: Senator Stavisky in the negative.

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: Yes.

THE SECRETARY: Senator Tully.

SENATOR TULLY: Aye.

THE SECRETARY: Senator Velella.

SENATOR VELELLA: Yes.

THE SECRETARY: Senator Volker.

SENATOR VOLKER: Yes.

THE SECRETARY: Senator Waldon.

ACTING PRESIDENT KUHL: Senator Waldon to explain his vote.

SENATOR WALDON: Mr. President, my colleagues, on an island in a harbor in the city of New York stands a great lady. On a tablet under her arm in words and substance is said, Send me your tired, your poor, your huddled masses yearning to be free.

Philosophically that statement says that this state, this great Empire State,

is a place of inclusion. We welcome diverse peoples from around the globe to come here, to find sustenance and security and safety and the good life.

I'm worried, even though this is but a one-house bill, by the signal that it sends that we're no longer about inclusion, that we're no longer about welcome and welcoming to those who are different from us, that we are becoming a place which will not be remembered as the Empire State but may be characterized as the "vampire state" because when you take from the poor and feed the rich you are sucking the blood of those who are least able to fend for them selves, and I find that troublesome, meddlesome and worrisome.

I believe that we can do better. I believe that the corporate structures who show a profit margin of $4 billion do not need AFDC from this legislative body, aid for dependent corporations. I believe that that money is better spent if we give it to the mother as characterized by my esteemed colleague, Senator

Espada, who has two children, who is struggling to make ends meet but that they only are allowed to receive less than a thousand dollars per month, which throws her life into a state of chaos.

I believe it is tacky for us as a legislative body to support measures which will cause people such pain and suffering. I think that we ought to stop feeding the rich with the poor. I think we ought to turn ourselves around in terms of the philosophy which says that we are now becoming the "vampire state" and return to the time when we were in true fashion the Empire State.

I beseech my colleagues to recognize that we are better. We are better. We are better than this, and I vote in the no.

ACTING PRESIDENT KUHL: Senator Waldon in the negative.

THE SECRETARY: Senator Wright.

SENATOR WRIGHT: Aye.

ACTING PRESIDENT KUHL: Secretary will call the absentees.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, explain my vote.

ACTING PRESIDENT KUHL: Senator Dollinger to explain his vote.

SENATOR DOLLINGER: I'll drop back to the -- I guess the principle that we've all talked about here, remember the TQM principle, and what that says is you go to your customers to find out how to change something and, frankly, I don't know what your customers are saying, but the people that are recipients of AFDC and HR in my community don't come to me and say, you know, "It's a great solution, Work Fare, give me WorkFare. Give me LearnFare. Make me live at home with my parents, that's the way to get me off public assistance." They don't say that to me.

They say, Give me some training, get me into college, let me get to the HEOP program which is now disappearing. Let me get to the training programs. Those are now

disappearing. Give me child care. Those are now disappearing. All those things that those customers tell me that they want in order to be able to get real opportunity is now being taken away.

Instead, this vision of what is best for them is being imposed on them. There could be no greater departure from the TQM process. If we really believe in TQM, listen to our customers, listen to the people that we all acknowledge want to get off dependency. There is a way to do it. Listen to them. This is not what they are telling us to do.

I vote no.

ACTING PRESIDENT KUHL: Senator Dollinger in the negative.

THE SECRETARY: Senator Gold.

(There was no response.)

Senator Stafford.

ACTING PRESIDENT KUHL: Senator Stafford to explain his rote.

SENATOR STAFFORD: Mr. President, I just very briefly would like to compliment

Senator Holland and his staff and other staff people of the Senate who worked on this bill.

I would only again say, my friends, this is a different -- difference in philosophy. We're saying beginning -- before we start any budget bills at all, we simply have got to put this state in line with other states if we're going to keep the economic engine running, and this bill takes those steps.

We think it is necessary. We think it's fair. It's equitable and, if we don't do this, take actions such as we're taking here today and become more in line with the other states of this nation, we're going to be in real serious, serious trouble.

I vote aye.

ACTING PRESIDENT KUHL: Senator Stafford in the affirmative.

Announce the results.

THE SECRETARY: Ayes 41, nays 18.

ACTING PRESIDENT KUHL: The bill is passed.

The Chair recognizes Senator Skelos.

SENATOR SKELOS: Yes, Mr. President, would you recognize Senator Holland. I believe he has some housekeeping.

ACTING PRESIDENT KUHL: Senator Holland.

SENATOR HOLLAND: Mr. President, on page 11, I offer the following amendments for Senator Velella, Calendar Number 184, Senate Print Number 2704, 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 Maltese.

SENATOR MALTESE: Mr. President, referring to Calendar Number 210, Senate Bill 624, I wish the record to indicate that had I been in the house I would have voted aye. I was detained elsewhere on Senate business.

ACTING PRESIDENT KUHL: Senator Maltese, the record will reflect that had you

been in the chamber when the roll call was taken on Calendar Number 210, you would have voted in the affirmative.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time would you please call up Calendar Number 291.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 291.

THE SECRETARY: Calendar Number 291, Budget Bill, Senate Print 1552-A, an act making appropriations for the legal requirements of the state debt service.

ACTING PRESIDENT KUHL: Secretary will read the last section. Excuse me, Senator Skelos.

SENATOR SKELOS: Is there a message of necessity at the desk?

ACTING PRESIDENT KUHL: There is a message of necessity at the desk.

SENATOR SKELOS: Mr. President, I move to accept the message.

ACTING PRESIDENT KUHL: Motion is

to accept the message. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

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 291 are Senators Dollinger, Jones and Montgomery. Ayes -

SENATOR MONTGOMERY: Not -

THE SECRETARY: Excuse me. Those recorded in the negative are Senators Dollinger and Jones. Ayes 58, nays 2.

ACTING PRESIDENT KUHL: The bill

is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, is there any other housekeeping?

Please recognize Senator Hoffmann.

SENATOR HOFFMANN: Mr. President, I was out of the chamber at the time the vote was taken on Calendar 210. Had I been present at that time, I would have voted in the affirmative. I would like the record to so reflect.

ACTING PRESIDENT KUHL: The calendar will reflect, Senator Hoffmann, that had you been in the chamber when the roll call was taken on Calendar Number 210 that you would have voted in the affirmative.

SENATOR HOFFMANN: Thank you.

ACTING PRESIDENT KUHL: Senator Skelos, I'm informed by the Secretary that there is no housekeeping at the desk.

SENATOR SKELOS: Mr. President, there being no further business, I move that we

adjourn until tomorrow, Wednesday, at 10:00 a.m.,sharp.

ACTING PRESIDENT KUHL: Senate will stand adjourned until tomorrow, 10:00 a.m., sharp.

(Whereupon at 6:11 p.m., the Senate adjourned.)