ALBANY, NEW YORK

February 26, 1996

3:00 p.m.

REGULAR SESSION

LIEUTENANT GOVERNOR BETSY McCAUGHEY ROSS,
President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

Since the floor is very crowded, anyone who does not have business before the Senate may choose to take a seat in the gallery.

Would everyone please rise and repeat with me the Pledge of Allegiance.

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

The invocation today will be given by Dr. Evelyn John, who is pastor of the New Life Center of Truth in Brooklyn.

Reverend John.

REV. DR. EVELYN JOHN, Pastor, New Life Center of Truth: Let us get still. I know that wherever we are, God is. Let us pray.

Loving Father-Mother God, we give Thee thanks for this beautiful day, but most of all, we give Thee thanks that we can come once more into this Senate so that we can

praise You and thank You for giving these people here this beautiful opportunity and privilege of serving and building a nation.

We ask that You guide them in all they undertake so that Your people and our country will be prospered in Your own special way.

We ask a special blessing upon the Governor this day; grant him the wisdom and the intelligence, O God, to guide and direct all the deliberations so that whatever is considered, we know that this nation and all nations that touch this nation will be blessed in a special way.

So lovingly and joyfully relieve all the fears now of this meeting into Your care and keeping, knowing that Your Holy Spirit is now in complete control and all is well.

We thank You, O God, for we know that You hear and answer all our prayers and together we say amen. Amen.

THE PRESIDENT: Thank you

Reverend John.

The reading of the Journal, please.

THE SECRETARY: In Senate, Friday, February 23rd, the Senate met pursuant adjournment, Senator Hoblock in the chair. The Journal of Thursday, February 22nd was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

Presentations of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Marcellino.

SENATOR MARCELLINO: Madam President, I have amendments that should be ordered to the following Third Reading Calendar

bills:

Sponsored by Senator LaValle, Calendar Number 236; also sponsored by Senator LaValle, Calendar Number 262; sponsored by Senator Saland, Calendar Number 253; sponsored by Senator Volker, Calendar 123; sponsored by Senator Hoblock, Calendar 202; sponsored by Senator Marchi, Calendar 159; sponsored by Senator Padavan, Calendar Number 263; sponsored by Senator Skelos, Calendar Number 255; and sponsored by Senator Nozzolio, Calendar Number 254.

And Madam President, I now move that these bills retain their place on the Order of Third Reading.

THE PRESIDENT: Amendments received.

Senator Bruno.

SENATOR BRUNO: Madam President, my colleagues, before we proceed with our normal order of business, I would like to take this occasion to welcome our newest Senator on this side of the aisle, Senator

James Alesi who is from Monroe County representing the 55th Senatorial District. He is joined by the County Executive of Monroe, John Doyle, and mayor of Rochester, Bill Johnson, and I know that there are many other elected officials and friends in the room. We welcome you to the Senate.

There are two other Senators joining this chamber and I would ask my colleague, Senator Marty Connor, to introduce them.

THE PRESIDENT: Senator Connor.

SENATOR CONNOR: Thank you, Madam President. It's indeed my pleasure to introduce to this body Senator Seymour Lachman who's a life-long resident of Brooklyn, is a Ph.D. From NYU and has had a distinguished career as a dean of the City University of New York.

Senator Lachman is also a well-known author in the field of education and we do welcome him to our body.

Also joining us from the other house, formerly of the other house, is Senator Larry Seabrook of the Bronx, now of the Bronx and representing part of Westchester County, as well.

Senator Seabrook, I think you all know has had a distinguished career in the Assembly, and now I think with the air of freedom and intellectual discourse that goes on in the upper house, I know he will even demonstrate to a much greater degree his leadership qualities.

He also is the current chair of the Association of Black and Puerto Rican Legislators; so, in effect, we in the Senate have taken that title from the other house and brought it over here. Welcome, Senator Seabrook.

I'd also like to join in welcoming Senator Alesi and say to the Majority Leader at the risk of sounding political that we look forward to the next go 'round, we'll take two out of three any time, certainly in

November it will be a good result.

Thank you, Madam President.

THE PRESIDENT: Senator Bruno, have all the new Senators been sworn in?

SENATOR BRUNO: Yes, they have, Madam President, and they now join their colleagues in this chamber officially. And we now, Madam President, have 37 Republicans on this side of the aisle.

SENATOR CONNOR: As long as we keep the two out of three, though.

SENATOR BRUNO: At this time, I'd like to ask for an immediate meeting of the Finance Committee in room 332.

THE PRESIDENT: Immediate meeting of the Finance Committee in room 332.

SENATOR BRUNO: Madam President, can we now proceed to the non-controversial calendar?

THE PRESIDENT: We have a couple of housekeeping measures.

SENATOR BRUNO: Couple of motions by a very distinguished Senator,

Senator Farley I see on his feet.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, distinguished Majority Leader.

Madam President, I wish to call up Senator Volker's bill, Calendar 228, Assembly Print 7801. Is it now at the desk?

THE PRESIDENT: Clerk will read.

THE SECRETARY: By the Assembly Committee on Rules, Assembly Print 7801, an act to amend the Education Law in relation to the appointment of a superintendent or associate superintendent of schools.

SENATOR FARLEY: I now move to reconsider the vote by which Senator Volker's Assembly bill was -- excuse me, the Assembly bill was substituted for Senator Volker's bill, Senate Print 5209 on February 14th.

THE PRESIDENT: Call the roll for reconsideration, please.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 49.

SENATOR FARLEY: I now move that Assembly Bill 7801 be recommitted to the Committee on Education and Senator Volker's Senate bill be restored to the Order of the Third Reading Calendar.

THE PRESIDENT: The Assembly bill is recommitted. The Senate bill is restored.

SENATOR FARLEY: Thank you, Madam.

THE PRESIDENT: Senator Hoblock.

SENATOR HOBLOCK: Madam President, I wish to star Calendar Number 207, it's my bill, 5173A.

THE PRESIDENT: The bill is starred.

SENATOR HOBLOCK: Thank you.

THE PRESIDENT: Senator Bruno, are you ready for the non-controversial reading?

SENATOR BRUNO: Yes, Madam

President, we are ready at this time.

THE PRESIDENT: Secretary will read.

THE SECRETARY: Calendar 64 by Senator Levy, Senate Print 356, and act to amend the Vehicle and Traffic Law in relation to prohibiting disposition of DWI offenses.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 64: Senators Kuhl and Hoblock, also Senator DeFrancisco. Ayes 47; nays, 3.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 65 by Senator Levy, Senate Print 357, an act

to amend the Vehicle and Traffic Law in relation to limiting options for plea bargaining for repeat DWI offenders.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 2. This act shall take effect on the first day November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49; nays, 2, Senators DeFrancisco and Kuhl recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar 137 by Senator Saland, Senate Print 3501A, an act to amend the Environmental Conservation Law in relation to the definition of the term municipality.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: Bill is passed.

THE SECRETARY: Calendar 177 by Senator Velella, Senate Print 2766B, an act to amend the Insurance Law in relation to requiring insurance companies to notify the Department of Social Services.

SENATOR PATERSON: Laid aside.

THE PRESIDENT: Lay it aside.

THE SECRETARY: Calendar 180 by Senator Skelos, Senate Print 413, act to amend the Public Health Law and the Correction Law in relation to requiring certain accidents -

SENATOR PATERSON: Laid aside.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Calendar 188 by Senator Levy, Senate Print 384D, an act to amend the Vehicle and Traffic Law in relation to requiring school bus and other motor vehicle drivers involved in personal injury accidents involving school buses to submit to a breath test.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 2. This act shall take effect on the first day of September.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar 203 by Senator Volker, Senate Print 3693, an act to amend the Civil Practice Law and Rules in relation to the compensation of referees.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar 204 by Senator Volker, Senate Print 3696, an act to amend the Civil Practice Law and Rules in relation to a motion for preliminary injunction.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of January.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the

roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: Bill is passed.

THE SECRETARY: Calendar 205 by Senator Volker, Senate Print 3822, an act to amend the Criminal Procedure Law in relation to fingerprinting.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT KUHL: Bill is passed.

THE SECRETARY: Calendar 218 by Senator Saland, Senate Print 2916A -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar 229 by Senator Rath, Senate Print 5752, an act to legalize, ratify and confirm the acts and proceedings of the Board of Education of the Pavilion Central School District.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar 232 by Senator Cook, Senate Print 291, an act to amend the Real Property Tax Law in relation to statements of taxes by school districts relating to library purposes.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar 234 by Senator LaValle, Senate Print 1099, an act to amend the General Municipal Law in relation to granting additional points in a service award program.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the

roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno, that completes the non-controversial calendar.

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

ACTING PRESIDENT KUHL: Secretary will read the controversial calendar.

THE SECRETARY: Calendar 177 by Senator Velella, Senate Print 2766B, an act to amend the Insurance Law in relation to requiring insurance companies to notify the Department of Social Services.

ACTING PRESIDENT KUHL: Senator Velella, an explanation of Calendar Number 177 has been asked for by the acting minority leader, Senator Paterson.

SENATOR VELELLA: Yes. This bill requires that insurance companies notify the Department of Social Services when an

insurance claim is filed that may result in a monetary award.

The measure will not put an additional burden on insurance carriers because companies are already reporting this information to a central reporting organization to help reduce fraud.

Last section.

ACTING PRESIDENT KUHL: Chair recognizes Senator Paterson.

SENATOR PATERSON: If Senator Velella would entertain one question before we read the last section.

ACTING PRESIDENT KUHL: Senator Velella, do you yield to a question?

SENATOR VELELLA: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Senator, just for administrative procedures, just to speed things up, is there a particular reason why the -- is there a particular reason why the -- hold on just one second...

Thank you, Senator. Why is the filing prior to the point at which the claims are actually made? In other words, wouldn't it be less burdensome to wait until after they're paid out? The problem is, I had trouble hearing your explanation, Senator.

SENATOR VELELLA: Well, the reason why I would think it's more important to have such a claim filed with the Department of Social Services is, one, that they get adequate notice to ensure their lien against the proceeds that may come out of the file. If a settlement is reached and the carrier and the plaintiff decide to settle a claim and pay out the money and then notify Social Services, while I believe that most people on Social Services are responsible and trustworthy, there are some that might spend all that money before we ever found out that it was even in existence.

So, when the claim is filed, the insurance carrier would notify the Department of Social Services; and very much

the way a comp lien works on settlements, they would be part of the settlement so that they would have adequate notice to be sure that we didn't put temptation in the path of the plaintiff or the recipient to take that money, spend it and not reimburse the state.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Velella would yield one more time, my question is -

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

SENATOR VELELLA: Yes, I do.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR PATERSON: Based on your answer, and I think it's an accurate answer, Senator, since such a high percentage of individuals are not going to be spending the money or there isn't going to be a settlement, in other words, since Social Services will have information that they may inevitably not use in

a large number of cases, that was my only concern, that that expense might outweigh the amount of money that would be saved.

SENATOR VELELLA: The fact of the matter is that we have several groups that are now supporting this, including the New York Public Welfare Association and several groups that are supporting it. The amount of money that is spent by the Department of Social Services for fraud detection and to trace these things will by far offset the amount that's spent in keeping records on all of these claims when they're filed.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you. Senator.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar 180 by Senator Skelos, Senate Print 413, an act to amend the Public Health Law and the Correction Law in relation to requiring certain applicants for employment.

ACTING PRESIDENT KUHL: Senator Skelos, an explanation has been asked for by Senator Paterson of Calendar Number 180, Calendar Number 180, Senate Print 413.

SENATOR VELELLA: Mr. President.

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

SENATOR VELELLA: May I briefly interrupt the proceedings to call an Insurance Committee meeting in room 332?

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

Committee in the Majority conference room in room 332. An immediate meeting of the Insurance Committee in the Majority conference room, room 332.

Senator Skelos for an explanation.

SENATOR SKELOS: Mr. President, this bill would have prospective employees of home care service agencies who have direct care or supervision of the elderly to make a sworn statement as to whether they have been convicted of a crime.

It would also assure adequate and appropriate supervision of employees and provide for grievance procedures against the home health care aide and home care agency.

Conviction of a crime would be a disqualification for employment unless five years elapse from the discharge from prison or probation and the applicant has been granted a Certificate of Relief From Disabilities by the court of jurisdiction.

ACTING PRESIDENT KUHL: Chair recognizes Senator Abate.

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

ACTING PRESIDENT KUHL: Senator Skelos, do you yield?

SENATOR SKELOS: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR ABATE: Senator, last year I voted for the bill and I certainly understand the rationale for the bill so that our most vulnerable in their own homes are protected, but I've reviewed the bill again this year and I notice that you included misdemeanors as well as felonies in terms of excluding possible employment.

Was there a rationale why you included misdemeanors in this list?

SENATOR SKELOS: Because it's a crime.

SENATOR ABATE: Well, why certain misdemeanors and not all misdemeanors?

SENATOR SKELOS: Pardon me?

SENATOR ABATE: You did not - am I correct that you did not -

SENATOR SKELOS: If I'm correct, I believe a number of the crimes that are enumerated are similar to the ones that are enumerated for school bus drivers that drive kids back and forth to school; the difference is, they have to be fingerprinted and we originally, years ago when the bill was first introduced, would require fingerprinting; unfortunately, the more liberal inclinations of the other house, certainly not of the members of this house, do not like the idea of requiring a fingerprinting background check, so we went to a sworn statement which, if they did not tell the truth, they would perjure themselves.

SENATOR ABATE: I guess my concern is, there are a number of misdemeanors, criminal mischief and others, that I would have liked and I don't know whether you will consider if this bill does not pass this year,

particularly with the misdemeanor charges where someone is convicted. If someone gets a Relief From Disabilities, a Certificate of Relief from the court because the court finds some mitigating circumstances and actually grants relief in a particular case, I was suggesting that the bill be amended, particularly as it relates to misdemeanors, that an individual could seek a Certificate of Relief From Disabilities so they perhaps could be eligible to work within that five-year period.

I guess, Senator, would you -

SENATOR SKELOS: We do allow Relief From Civil Disabilities in the legislation.

SENATOR ABATE: Is that right? Okay. I did not see that within the legislation.

SENATOR SKELOS: Five years, I'm sorry.

SENATOR ABATE: Okay, only after five years.

SENATOR SKELOS: Yes.

SENATOR ABATE: I guess my last question -- if you would yield to another question, Senator?

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

SENATOR SKELOS: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR ABATE: -- Is that would you take into consideration in the future, if, in fact, this bill does not pass this year, to look at the misdemeanors included, are they too broad in terms of the inclusion, and could a Certificate of Relief apply to some of these misdemeanors?

SENATOR SKELOS: You know, I believe the bill is going to pass today as it has for the past several years.

SENATOR ABATE: But if it does not become law.

SENATOR SKELOS: It's my hope that the Assembly, when they wake up and want to be serious about protecting some of our most

vulnerable citizens, that as we enter into negotiations, there are a number of things that could be discussed about the bill.

SENATOR ABATE: I'm glad that, Senator, we will have your cooperation. I think the intent of the bill is good. I think, though, it needs to be refined further, but nonetheless, I'm prepared to vote for it.

SENATOR SKELOS: Thank you.

ACTING PRESIDENT KUHL: Chair recognizes Senator Dollinger.

SENATOR DOLLINGER: Mr. President, is there an amendment at the desk?

ACTING PRESIDENT KUHL: Senator Dollinger, I'm informed by the Secretary that an amendment to this particular bill has been handed up to the desk.

SENATOR DOLLINGER: Mr. President, I would ask the reading of the amendment be waived and I be permitted to address the amendment.

ACTING PRESIDENT KUHL: Amendment is received, the reading is waived

and the Chair recognizes Senator Dollinger to explain his amendment.

SENATOR DOLLINGER: Mr. President, this amendment carries the idea that Senator Skelos has touched on in the bill before us to another level and establishes a statewide registry for home health care workers, similar to the statewide registry that we have in effect for people that actually work in nursing homes.

I agree with Senator Skelos, I think his concern about the plight of elderly and frail people in the state is well-taken. He, I believe, is the former chairman of the Aging Committee, is maybe still the current chairman, has been a leader in the defense of those who are the most frail people in this state.

We already have a model for how such a registry could work because we have a registry for nurses' aides who work in nursing homes. It has been extremely effective in weeding out the bad actors that come into our

nursing home industry because they are not able to divulge false information at the time of applying. That information can be checked through the registry and it can be determined whether or not on their initial credibility in applying for employment whether they're speaking truthfully or not.

It seems to me that that model would be extremely effective and pertinent here where there is even less supervision for home health care aides than there is in the nursing home industry when someone is confined in an institution.

In this instance, what this bill would do is establish a statewide registry for home health care aides, require that it be financed by the industry because they need to establish the same kind of credibility and protection for their users of home health care services. It seems to me that's a reasonable thing to do. The registry would be financed based on the volume of applicants that apply for positions with a particular provider, it

would have a self-financing mechanism, it would provide an additional level of protection for those who are using home health care services.

I think we should get serious about this issue. I agree with Senator Skelos that we should get serious about it. I know that this bill has been considered by the Assembly in the past. This amendment, a very similar bill, has been carried in the Assembly.

It seems to me if we want to provide a level of assurance to our senior citizens that they will be protected when they apply and utilize home health care services, the best way to do it is with a registry that maintains a list of those who are not competent to be working in this field because of disqualifying criminal activity.

So I would ask, Mr. President, that the amendment be approved by this house, that we add the notion that the registry will be the governing principle by which we determine who is eligible to be a home health

care worker in this state.

Mr. President, with that I would ask for the support of all my colleagues for this amendment.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the amendment?

(There was no response.)

Hearing none, the question is on the amendment to the legislation, Senate Calendar Number 413. All those in favor of the amendment, signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(Response of "Nay".)

The amendment is lost.

Chair recognizes Senator DiCarlo on the legislation before the house.

SENATOR DiCARLO: Yes, Mr. President, just briefly as the chairman of the Aging Committee, I want to commend Senator Skelos for a fine piece of legislation. This is something that's necessary to protect our

most fragile citizens, our senior citizens, and I just want to urge its passage.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the legislation before the house?

(There was no response.)

Hearing none, Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 218 by Senator Saland, Senate Print 2916A, an act to amend the State Administrative Procedure Act in relation to including the Workers' Compensation Board.

ACTING PRESIDENT KUHL:

Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

Chair recognizes Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of the standing committees, I believe there's a report from the Finance Committee at the desk; I ask that it be read.

ACTING PRESIDENT KUHL: You're absolutely correct, Senator Skelos. We'll return to the rules of standing committees and I'll ask the Secretary to read the report.

THE SECRETARY: Senator Stafford from the Committee on Finance offers

up the following bill directly to Third Reading: Senate Print 6098, Budget Bill, an act to amend Chapter 53 of the Laws of 1995 enacting the aid to localities budget in relation to storm disaster assistance.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Can we take up the bill at this time, Mr. President?

ACTING PRESIDENT KUHL: Ask the Secretary to read the bill.

THE SECRETARY: Section 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on April 1st, 1995.

ACTING PRESIDENT KUHL: Secretary will read the last section - Secretary will read the title of the bill before the house.

THE SECRETARY: Calendar Number 266, Senate Print 6098, Budget Bill, an act to amend Chapter 53 of the Laws of 1995 enacting the aid to localities budget.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately and shall be deemed in effect and full force on April 1st.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

SENATOR WRIGHT: Thank you, Mr. President.

In reviewing this legislation, you'll note that there's a total appropriation -

ACTING PRESIDENT KUHL: Senator, excuse me, just a minute. I know this seems to be a day when it's a little unruly, but let's quiet down so we can at least hear the Senator's explanation to the vote.

SENATOR WRIGHT: Thank you, Mr. President -

ACTING PRESIDENT KUHL: Senator Wright.

SENATOR WRIGHT: -- Appreciate that. You will note in looking at this bill that it provides for an appropriation of $280 million, the allocation is to a number of counties across this state; very candidly two of those counties, in fact, are in my district.

The bill addresses issues such as flooding, such as snow storms, blizzards, a number of tragedies, including fires on Long Island that I think we all recognize were troublesome. Unfortunately, what it does not recognize is a phenomenon referred to as a microburst which was a severe windstorm that occurred throughout this state earlier this year. And unfortunately, even after several appeals, the President and the federal government have yet to determine it to be a sufficient disaster to recognize federal

funding. That concerns me, concerns me because of the inconsistency of the standards being applied and, as a result, the people throughout my district and other areas in this state are not going to be reimbursed for their disaster losses that is not covered by this bill because of that federal inaction.

As much as that concerns me, I will vote in favor of this bill, but I want to take the opportunity to point out the inconsistencies of the federal determinations in terms of disaster assistance.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Secretary will announce the results.

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

Chair recognizes Senator Skelos.

SENATOR SKELOS: Mr. President, on behalf of Senator Bruno and after consultation with the Minority Leader, I would

like to hand up the following committee assignments to be filed at the desk.

ACTING PRESIDENT KUHL: I thought it only necessary to have the quiet that your voice demands, the respect, Senator Skelos. It is extremely noisy in here.

The committee list is at the desk and will be filed in the Journal, Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT KUHL: Senator Skelos?

SENATOR SKELOS: Mr. President, if we could return again to reports of standing committees, I believe there's a report from the Insurance Committee; I ask that it be read.

ACTING PRESIDENT KUHL: There is a report at the desk. Senator Skelos, we'll return to the reports of standing committees and I'll ask the Secretary to read.

THE SECRETARY: Senator Velella from the Committee on Insurance offers up the

following bill directly for Third Reading: Senate Print 6147, an act to amend the Insurance Law in relation to termination of individual hospital and medical contracts.

ACTING PRESIDENT KUHL: Without objection, the bill is ordered directly to Third Reading for tomorrow's action.

Senator Skelos.

SENATOR SKELOS: Mr. President, is there any other housekeeping at the desk?

ACTING PRESIDENT KUHL: There's nothing else at the desk, Senator Skelos.

SENATOR SKELOS: There being no further business, I move we adjourn until Tuesday, February 27th, 1996, at 3 p.m. Sharp.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until tomorrow, Tuesday, February 27th at 3 p.m. Sharp.

(Whereupon, at 3:37 p.m., the Senate adjourned.)