ALBANY, NEW YORK

March 13, 1996

11:03 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. Ask the members to rise and everybody in the chamber to rise and join me in saying the Pledge of Allegiance.

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

In the absence of clergy, may we bow our heads in a moment of silence.

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 12th. The Senate met pursuant to adjournment, the prayer by the Reverend Peter Young. The Journal of Monday, March 11th, 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.

I'll ask the Secretary to read.

THE SECRETARY: Senator Kuhl, from the Committee on Agriculture, offers up the following bills:

Senate Print 286, by Senator Cook, an act to amend the Agriculture and Markets Law, in relation to examination of horses;

1286, by Senator Padavan, an act to amend the Agriculture and Markets Law, in relation to spectators at exhibitions;

3040, by Senator Goodman, an act to amend the Agriculture and Markets Law, in relation to the powers and duties of municipal directors;

6182, by Senator Kuhl, an act to amend the Agriculture and Markets Law, in relation to voluntary inspection services;

6188, by Senator Kuhl, an act to amend the Agriculture and Markets Law, in relation to animal diseases.

Senator Marchi, from the Committee on Corporations, Authorities and Commissions, offers up the following bills:

Senate Print 3139, by Senator Cook, an act to amend the Facilities Development Corporation Act, in relation to provisions;

5201, by Senator Leibell, an act to amend the Public Authorities Law, in relation to loan insurance;

5544, by Senator DiCarlo, an act to amend the Business Corporation Law, in relation to the right of housing cooperatives;

6134, by Senator Leibell, an act to amend the Public Authorities Law, in relation to the power of the state of New York Mortgage Agency.

ACTING PRESIDENT KUHL: Without objection, all bills are directed directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

The Chair recognizes Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Spano, please place a sponsor's star on Calendar Number 356.

ACTING PRESIDENT KUHL: At the request of the sponsor, Calendar Number 356 is starred.

SENATOR MARCELLINO: And, Mr. President, on page number 11, I offer the following amendments to Calendar Number 282 on behalf of Senator Lack, Senate Print Number 3775-A and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendment are received and adopted. The bill will retain its place on the Third Reading Calendar.

SENATOR MARCELLINO: Thank you.

ACTING PRESIDENT KUHL: Senator Bruno, we have some substitutions. May we read those in at the present time?

SENATOR BRUNO: Yes, Mr.

President.

ACTING PRESIDENT KUHL: The Secretary will read the substitutions.

THE SECRETARY: Senator Sears moves to discharge from the Committee on Consumer Protection, Assembly Bill 8807 and substitute it for the identical Senate Bill 6066.

Senator Skelos moves to discharge from the Committee on Finance, Assembly Bill 4883 and substitute it for the identical Senate Bill 4837.

Senator Seward moves to discharge from the Committee on Finance, Assembly Bill 1865-B and substitute it for the identical Senate Bill 5729-A.

Senator Volker moves to discharge from the Committee on Codes, Assembly Bill 7535 and substitute it for the identical Senate Bill 3784.

Senator Volker moves to discharge from the Committee on Codes, Assembly Bill 7539 and substitute it for the identical Senate Bill

3811.

Senator Nozzolio moves to discharge from the Committee on Crime Victims, Crime and Correction, Assembly Bill 8882 and substitute it for the identical Senate Bill 6174.

Senator Saland moves to discharge from the Committee on Local Governments, Assembly Bill 510-B and substitute it for the identical Senate Bill 6145.

ACTING PRESIDENT KUHL: The substitutions are ordered.

Senator Bruno, that brings us to the calendar.

SENATOR BRUNO: Can we ask, Mr. President, for an immediate meeting of the Rules Committee in Room 332.

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

Senator Bruno.

SENATOR BRUNO: And, Mr. President, can we now proceed with the non-controversial calendar.

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

THE SECRETARY: Calendar Number 70, by Senator Levy, Senate Print 347-A, an act to amend the New York City Charter and the Public Authorities Law, in relation to the inspection of the Metropolitan Transportation Authority.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar 184, by Senator Levy, Senate Print 355, an act in relation to requiring the Department of Motor Vehicles to compile information on driving while under the influence of drugs.

ACTING PRESIDENT KUHL: The 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 33 -- excuse me -- ayes 32, nays 1, Senator Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 283, by the Committee on Rules, Assembly Print 7860-A, an act to amend the Surrogate's Court Procedure Act, in relation to witnesses.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 305, by Senator DiCarlo, Senate Print 4432, an act to amend the Vehicle and Traffic Law, in relation to proof of notice.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 308, by Senator Lack, Senate Print 6038, an act to amend the Railroad Law, in relation to police officers of a commuter railroad.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number

346, by Senator Holland, Senate Print 468, an act to amend the Public Health Law, in relation to providing an immunization schedule for children.

ACTING PRESIDENT KUHL: The 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 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 351, by Member of the Assembly Sweeney, Assembly Print 8603, an act to amend Chapter 572 of the Laws of 1994 amending the Public Health Law.

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

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 355, by Senator Leibell, Senate Print 2709, an act to amend the Labor Law, in relation to additional eligibility.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 356, by Senator Spano, Senate Print 3974, an act to amend the Labor Law, in relation to license to possess, sell, manufacture and store explosives.

ACTING PRESIDENT KUHL: Calendar Number 356 was starred. I'll ask the Secretary to read the next -- 373.

THE SECRETARY: Calendar Number 373, by Senator Maltese, Senate Print 484, an act to amend the Vehicle and Traffic Law, in

relation to requirements concerning limousines.

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

THE SECRETARY: Section 3. This act shall take effect in 120 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 374, by Senator Kuhl, Senate Print 1382, an act to amend the Vehicle and Traffic Law, in relation to appropriate reduced speeds.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 377, by Senator Levy, Senate Print 4856-C, an act to amend the Vehicle and Traffic Law, in relation to increasing fines for violations.

ACTING PRESIDENT KUHL: The 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 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 445, by Senator Stafford, Senate Print 608, an act to amend the Environmental Conservation Law, in relation to increasing the criminal penalties for illegally taking big game.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 446, by Senator Libous, Senate Print 4531, an act to amend the Environmental Conservation Law, in relation to the taking of pheasants.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 448, by Senator Marcellino, Senate Print 6113, an act to amend the Environmental Conservation Law, in relation to interfering with the lawful taking of wildlife.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 449, by Senator Marcellino, Senate Print 6213, an act to amend the Environmental Conservation Law, in relation to the drawing off of the water.

ACTING PRESIDENT KUHL: The

Secretary will 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 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 451, by Senator Marcellino, Senate Print 6345, an act to amend the Environmental Conservation Law, in relation to providing for the revocation or suspension of a hunting license.

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

THE SECRETARY: Section 2. This act shall take effect August 1st.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno, that completes the controversial calendar -- non-controversial calendar.

SENATOR BRUNO: Can we now return to reports of standing committees, and I believe there is a report from the Rules Committee at the desk -

ACTING PRESIDENT KUHL: You're correct, Senator.

SENATOR BRUNO: -- we might now have read.

ACTING PRESIDENT KUHL: You're correct, Senator Bruno. There is a report of the Rules Committee. We'll return to the report of the Rules Committee. I'll ask the Secretary to read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, offers up the following bill: Senate Print 6429, by Senator Velella, an act to amend the Insurance Law, in relation to the availability of multi-tier

programs for homeowners insurance.

SENATOR BRUNO: I move we accept the report of the Rules Committee.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The Rules report is accepted.

Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Before ruling on the acceptance of the Rules Committee report, can we just have an explanation as to why this bill has gone through Rules in this fashion? Is that permissible under our rules?

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

SENATOR SALAND: For the purposes of housekeeping. Would it be appropriate, Mr. President?

ACTING PRESIDENT KUHL: Sure. Senator Dollinger seems to be preoccupied at the moment. You have a -

SENATOR SALAND: I have two bills that I would like to star.

ACTING PRESIDENT KUHL: Okay.

SENATOR SALAND: Senate 5104, Calendar 447 and Senate 2784, Calendar 380.

ACTING PRESIDENT KUHL: At the request of the sponsor, Calendar Number 447 and Calendar Number 380 -

SENATOR SALAND: 380.

ACTING PRESIDENT KUHL: -- 380 will be starred.

Senator Dollinger, what I would like you to do, if you can work with the Chair here on this particular case, is we have accepted the report of the Rules Committee. The vote was taken before I recognized you, so it was by. What I would like to do because we're going to take the bill up now is if you have some questions on why it's going through, if, in fact, you ask the sponsor of that and the

sponsor is in the chamber, we can deal with your question with Senator Velella that way. Would that be okay?

SENATOR DOLLINGER: That's just fine. Can I just ask a point of information as well just so I'm better informed the next time we do this? Is it appropriate to ask that question at the time we accept the Rules Committee report during -- I assume that's a motion like any other motion. Would it be appropriate to raise that question at the time that issue -- the motion is raised?

ACTING PRESIDENT KUHL: Any motion is debatable, except there are a couple privileged -- as you know, motion to adjourn, some of those matters which are not debatable, but that issue is debatable and certainly is open for discussion. So the appropriate time for you to raise that question would have been before we actually called the vote and took the vote.

So with that, we have a bill on third reading now. It was reported directly

from Rules. I'll ask the Secretary to read.

THE SECRETARY: Calendar Number 486, by Senator Velella, Senate Print 6429, an act to amend the Insurance Law, in relation to the availability of multi-tier programs for homeowners insurance.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President, is there a message of necessity at the desk on this bill?

ACTING PRESIDENT KUHL: I'm informed by the Secretary that there is, sir.

SENATOR BRUNO: Can we at this time move its -- the acceptance of the message?

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The bill is on the floor for discussion.

SENATOR DOLLINGER: Mr. President, is my question now in order?

ACTING PRESIDENT KUHL: It is now in order.

The Chair recognizes Senator Dollinger.

SENATOR DOLLINGER: Mr. President, could I ask for an explanation of the bill and for an explanation of the reason why it was put through the Rules Committee and not through the usual committee process?

ACTING PRESIDENT KUHL: Senator Velella, Senator Dollinger has asked for an explanation.

SENATOR VELELLA: Yes. Senator, our rules provide for bills to be put through the Rules Committee and be immediately reported to the floor, and there is a constitutional provision for the Governor to send us messages of necessity when issues are to be considered by this house that are critical in nature.

As you know, the Senate has been working for over a year and a half in trying to resolve a problem of availability of insurance in coastal areas of this state. The program was put together by a task force, along with the Long Island Delegation who have been very, very involved in this whole process because of the fact that there is major problems of providing homeowner insurance on Long Island. We have tied the bill together with the program that has been in place in the city of New York, basically the NYPIUA program which provides property and fire damage, as you know, coverage for people who cannot get insurance for those potential liabilities in areas -- urban areas. That is about to expire on Monday. That -- on Monday.

Having these two problems together, the availability of insurance in the City, the availability of coastal insurance, we felt that it was necessary to act quickly and move the bill as soon as we could get a consensus on it through the Rules Committee, ask the Governor for a message of necessity so that

we wouldn't have a lapse in coverage, should the Assembly fail to act on Monday. That will be the deadline. We want to give them enough head time -- head lead time to analyze this over the weekend, take a good look at it. It is our solution to the problem.

Should something occur that causes a minor problem, we may be back here on Monday taking a look at this once again, but we wanted to ensure that we had something out there so that we could continue this coverage. We wouldn't have people without insurance for any period of time. That is why the necessity of going through Rules; that is why the necessity of having the Governor send us a message of necessity.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Through you, Mr. President. I appreciate Senator Velella's description of this, and I accept that. The reason why I'm concerned, Senator Velella, about the process followed with respect to this bill

is because as soon as I became aware of it, I have an amendment that affects the coastal region which I represent, that affects the most critical issue that affects the people in Greece who live on the south shore of Lake Ontario, and that's the problem of the gap between federal flood insurance coverage and homeowners insurance, and the problem with the gap is that the water level doesn't rise to the level of flood and, therefore, it's not considered a federal flood problem, but it rises to a high enough problem so that the wind and the waves cause all the damage, and my constituents are left unprotected because their homeowners policies don't cover wave-induced damage, water wave-induced damage to their properties, and the federal flood insurance program doesn't cover them because the water didn't actually rise above the flood plain. It's that interstitial problem between the federal flood program and our current homeowners policies that I have been working on an amendment this morning to add to this bill to address the problem that affects my

part of the coastal portion of New York.

I am very sympathetic to those on Long Island and in the city of New York that have problems with their flood insurance programs, whether it be through homeowners insurance or through the federal flood plan, but I think the only way in my -- and I've worked on this problem for the better part of two years - the only way to do it is with an amendment that would require homeowners policies in flood plains to cover wave and wind blown damage from water, even though the level doesn't rise to that of a flood, and that's why I propose an amendment. I don't know whether it's on the floor yet, but I had hoped that I would be able to incorporate this in the bill when the time came to do it.

I don't want to sacrifice Monday's deadline. I don't want to expose anybody in the city of New York or on Long Island to the risk of being uninsured for any period of time, but I would have hoped that during the normal committee process, what I

think is a very reasonable amendment to solve the problem in my neck of the woods, might have been considered either by the Insurance Committee or by the Senate generally, and I don't know even know that the amendment has been prepared yet because as soon as I found out that the bill might go through Rules this morning, I scrambled to draft an amendment. It may not be the most artful drafting. I think it could have used the deliberations of the Insurance Committee, perhaps the skill of the draftsmen in the Insurance Committee that are far more familiar with this problem than I am, but I look at this as my one opportunity to solve a problem that is a south shore/Lake Ontario problem, and that's the dispute that -- the little gap between the federal flood insurance program and the normal homeowners policy. That gap, unfortunately, costs my constituents a pile of money because they end up uninsured for what I think is a very clearly identifiable risk.

So I don't even know whether the amendment is here. I know we have been working

on it, but I -- I'm just disappointed. I understand the time constraint, but I'm disappointed that the part of the problem that affects the people that I represent and, frankly, everybody on the south shore of Lake Ontario may not get the attention it deserves had this bill come up in the normal course. That's my concern. I don't know whether the amendment is here yet. I'll check and see, but that's my concern on this problem.

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

(There was no response.)

The Secretary will read the last section.

SENATOR DOLLINGER: Excuse me, Mr. President.

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

SENATOR PATERSON: Mr. President, we're on the bill now?

ACTING PRESIDENT KUHL: Yes, we're on the bill.

SENATOR PATERSON: Oh, well - thank you very much. If Senator Velella would yield for a question.

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

SENATOR VELELLA: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Senator, the issue of the voluntariness of the insurance companies to start serving the coastal reasons -- regions is something that's laudable, but just in case this doesn't follow through, did you give some consideration perhaps to mandating that in the legislation as was thought might be the case in some of the other bodies?

SENATOR VELELLA: Senator, we were reluctant to mandate anything on private businesses. We like to see the marketplace take care of needs. They haven't taken care of these particular needs, so we're trying to address this in a three-step program, the first step being that we are going to allow companies to

write different types of insurance, multi-tier insurance so that they can offer the consumers a variety of policies. Hopefully that will help correct some of the market conditions and make insurance available.

If that does not work, we then have the voluntary C-MAP program which basically says these are areas that have been defined as having experienced problems in obtaining homeowner insurance. The department has the map there of these areas. The companies -- every major company has now signed on to a voluntary C-MAP program where, if someone cannot get insurance, they will be able to call the department. The department will be able to match them with a willing insurer and get them the policies. That is the second step to help correct the market condition.

If that doesn't work, the Superintendent of Insurance will have the power to allow NYPIUA to go into the insurance market and sell homeowner policies much the way they do in our city for property casualty losses that

people cannot get insurance for. That is the third tier.

Again, we're going to -- we're trying to let the market conditions govern the program and if, in fact, insurance is not available after the first two steps, then there will be a mandatory program which will provide insurance for everyone.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Senator.

Mr. President, if Senator Velella would continue to yield.

SENATOR VELELLA: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR PATERSON: Senator, currently we have a two percent termination limit that we use with respect to auto insurance. Would you consider the possibility of extending that to homeowners to protect some of these coastal regions?

SENATOR VELELLA: Well, we did consider that, and we're going to be renewing the auto two percent, I believe this year. It's up for renewal this year. However, I renew that reluctantly. I don't like the idea of just giving companies the right to arbitrarily cancel policies. This bill is about getting companies to write policies, not giving them more rights to cancel policies.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Senator.

Well, if I put it this way, Senator, right now we actually have a limitation that we do subscribe to the 5,000 policies. My question to you is there are a lot of policies that could be cancelled short of 5,000. So if we're not going to have a percentage limitation, what makes 5,000 the threshold? In other words, why would we not consider lowering the threshold of the number of policies that can be cancelled?

SENATOR VELELLA: Senator, what we did do to address the problem -- and you have a legitimate concern here -- is we did require -- and it's in the bill -- that there be an organized, orderly withdrawal of the market if, in fact, the company wants to cancel beyond a number that's specified in the policy which, in our opinion and the opinion of the Department of Insurance, would disrupt the market. They must file an orderly withdrawal plan. It must be approved by the Superintendent of Insurance, and he will have the right to have that plan modified by the company so that they cannot just arbitrarily withdraw from the market. There will be a control over companies that wish to drop their policies.

As you know, in Florida right after the hurricanes, companies just walked away from their risks and cancelled haphazardly. This will not -- this will protect the citizens of New York from that type of withdrawal from the marketplace. So that we do touch it, maybe not the way you would like to, but we do touch

it in the sense that we're going to stabilize the market and not allow massive withdrawals.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you very much, Senator.

Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Paterson on the bill.

SENATOR PATERSON: There are a lot of issues that this bill addresses that we think are quite laudable. What we're saying is that we feel that this bill falls short of what would really be the threshold of adequate protection for homeowners.

We have found in the last few years with a tremendous amount of storm damage and flood damage and other natural disasters, particularly on the eastern seaboard, that we've had widespread cancellations, and although there are a lot of protections that are built in, if you have 100 policies and you have a two percent cutoff, it means that only two policies can be

cancelled. Right now, as it stands, these insurance companies could cancel 100 policies in an area. They don't often confine themselves to particular areas of geographic location and in cases like this, we think that the ramifications can be quite serious. The New York Property Insurance Underwriters Association, the whole existence of it came because of the fact that there was widespread cancellation in particular areas.

We congratulate Senator Velella for his work on the subject but would be looking forward to stronger protections to individuals who pay into their insurance plans and do not expect to have random cancellations just because the insurance company is not turning the profit that it expected in the particular area.

There is a risk to the consumer. There must also be a risk to the -- to the company. We are not trying to put any grave or undue responsibilities or burdens on the insurance companies. We're just advocating that with a little stronger protection in this

legislation, that there would be far more of an adequate value to all who are involved.

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

THE SECRETARY: Section 13. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Dollinger to explain his vote.

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

ACTING PRESIDENT KUHL: Senator Dollinger to explain his vote.

SENATOR DOLLINGER: I'm going to vote in favor of this piece of legislation. I too join Senator Paterson in commending Senator Velella for dealing with a very particular problem.

Unfortunately, I thought I had something to add that might have made it even a better solution which might have helped the

people I represent, and it seems to me that when we -- when we undergo in this process, coming out of the Rules Committee on short notice -- I didn't see the bill until this morning -- we cut off the ability of the committee process to perhaps improve even what may be a quality piece of legislation and allow the broader statewide benefit of solving a problem that exists in the other parts of the state, a long ways away from the coastal problem on Long Island or in New York City, and it seems to me when we do that, we diminish the committee process.

I understand that there may be negotiations and discussions with our colleagues on the other side. I understand as a practical matter, we may want to put our position on the table for them to give them notice of what our posture will be, but at the same time, it seems to me that by this hurry-up process, we may lose the chance to improve upon it to solve a problem in my neck of the woods as well.

I'm a realist. I understand that perhaps introducing it at this late stage may

not assure its passage by this house, but when the problem comes to my desk -- I don't sit on the Insurance Committee anymore. When a problem comes to my desk and I see a solution that might help the people in my community deal with a long-standing problem, I'd like to at least have a chance to put it on the floor.

So my hope is maybe the bill will come back on Monday, and maybe I'll have a chance to talk to my Assembly colleague, Assemblyman Robach, who represents the Greece community to see whether we could get a bipartisan support for this.

So I'm going to vote in favor of it. It's got lots of good things in it. I think it might have been a tad better.

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

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

ACTING PRESIDENT KUHL: Senator Velella to explain his vote.

SENATOR VELELLA: Mr. President,

I share the concern that Senator Dollinger has about his particular area, but I would call to mind the fact that he did serve on the Insurance Committee. This task force has been functioning for over almost two years now, and I certainly was not made aware of the request of anybody to include areas outside the targeted areas that the task force had looked at, and we will certainly look at that for future legislation. However, if you draft your amendment, you're going to have to be very careful because I don't know what the federal flood insurance program is all about yet. They haven't passed it. So if we're going to do something to supplement it, we ought to have an idea of where they're going.

It's sort of the same problem we're facing with our budget, and I would point out to you that in voting for this, you are supporting the creation of a task force by the state with appointments by the respective leadership to look into the problem of coordinating benefits when the fed's finally put their flood insurance in place. That might be

the proper place for you and the representatives of the Minority Leader to look at piggybacking that on to the issue that you face.

Thank you. I vote in the affirmative.

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

The Chair recognizes Senator Johnson to explain his vote.

SENATOR JOHNSON: Mr. President, I just stand to congratulate Senator Velella and his task force, the Governor and the people in his office and the department for coming up with this bill.

We have been laboring for several years under continuing cancellations in coastal areas with no alternative coverage being available other than minimum NYPIUA fire coverage, no burglary, no liability coverage. It's been very onerous and very expensive to try to fill that gap. It's negatively affected home sales on Long Island and just plain living standard, knowing that you can't afford the

coverage you need to keep your home.

There was a voluntary plan proposed, which is the C-MAP plan, is going into effect on Monday, which is very welcome, but we did need a further stick in case the Department had to act to assure coverage, and that's going to be available through the voluntary actions of companies under their wrap-around policy and the greater rates that they can charge in different areas for homeowners, and also the fact that the Superintendent can't have NYPIUA write homeowners policies directly if other incentives and initiatives don't work out properly.

So I would like to commend, again, the chairman and everyone working on this bill for bringing it forth. It's certainly very necessary and a very timely thing.

Thank you. I vote aye.

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

Announce the results.

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill

is passed.

Senator Skelos, that completes the non-controversial calendar.

SENATOR SKELOS: Before we go to the controversial calendar, would you please lay aside for the day Calendar Number 308, by Senator Lack.

ACTING PRESIDENT KUHL: Calendar Number 308 is laid aside for the day.

SENATOR SKELOS: And I believe there's one last bill, Calendar Number 70, by Senator Levy.

ACTING PRESIDENT KUHL: Ask the Secretary to read Calendar Number 70.

THE SECRETARY: Calendar Number 70, by Senator Levy, Senate Print 347-A, an act to amend the New York City Charter and the Public Authorities Law, in relation to the inspection of the Metropolitan Transportation Authority.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Levy, an explanation of Calendar Number 70 has

been requested by the Acting Minority Leader, Senator Paterson.

SENATOR LEVY: Senator Paterson, this bill originally came to us from the former mayoral administration.

SENATOR PATERSON: I'm sorry, Senator. I'm consulting with counsel. Senator, New York City -

SENATOR LEVY: I would like to just continue for a moment, okay?

Senator Paterson, this bill came to us from the former mayoral administration, including the former fire commissioner, and what the bill does would be to permit the fire department of the city of New York to take a look very, very importantly at all of the facilities of the MTA, and -- and it then - then would require reporting to the city as to whether the MTA, whether it's their public buildings, their tunnels located in the city of New York, whether they were in compliance with New York City's fire laws.

Now, we have passed this bill

consistently in this house. The bill was developed by the New York City Fire Department after a very extensive report that was put together by the fire department after the bombing of the World Trade Center.

Now, I'm very, very disappointed -- I want to say this on the floor -- with the memorandum that was put out by the MTA. I'm really surprised by it because it is -- it's patently false and misleading. It says that what this bill would do would make the MTA and its facilities in the City subject to the New York City fire codes. That's not what this bill does. It merely authorizes the department to take a look at the MTA's facilities and then do a report, and you'll remember for many, many years, because of the New York City Fire Department and prior administrations, there was great concern about the World Trade Center not being subject -- the second tallest building in the world not being subject to New York City's very, very strict fire safety laws, and we tried for many, many years to get New York and New

Jersey, at least in New York State, to permit the New York City Fire Department to inspect the World Trade Center. So that's all this bill does, Senator Paterson.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

Senator Levy, let me make this quite clear. I think this is an excellent bill. I was as surprised as you were to see this memorandum, and I thought I would give you a chance on the record to explain how the New York City Charter would really not be basically relevant to what you're proposing in this legislation, and what I wanted to correct would be anybody's fears or anxieties that it actually would interfere with the Charter.

SENATOR LEVY: Well, Senator Paterson, this bill is merely an authorization bill permitting the City Fire Department to make those inspections. It doesn't require them to make them, and certainly they're going to do it

if they have the authorization, unless the mayor tells them not to do it.

I would hate to be standing on this floor really, Senator, at some future time where we have some catastrophic incident that is fire -- fire-driven because of an omission in fire safety and the New York City Fire Department then even with this mayor, says, you know, "Things might have been different if we were able to get in there and inspect, for example, the tunnels of the Transit Authority."

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Senator Levy.

Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Paterson on the bill.

SENATOR PATERSON: What Senator Levy just described actually happened. The investigation after the World Trade Center disaster revealed that there was omission of some fire safety codes, and it really was the

fact that there wasn't a clearly defined opportunity for the department to come in and conduct those investigations. I think that that is what this bill accomplishes, and we're very happy that Senator Levy introduced it.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

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

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

SENATOR GOODMAN: Mr. President, I wish to be recorded in the negative on the vote just taken.

ACTING PRESIDENT KUHL: Without objection.

(There was no response.)

Hearing no objection, Senator Goodman will be recorded in the negative on Calendar Number 70.

Senator Skelos, we have a report from the Elections Committee. If we could return to reports of standing committees, we'd like to read.

SENATOR SKELOS: If we could return to reports of standing committees and please have the report read.

ACTING PRESIDENT KUHL: Return to reports of standing committees and I'll ask the Secretary to read.

THE SECRETARY: Senator Maltese, from the Committee on Elections, offers up the following bills:

Senate Print 2978, by Senator Gold, an act to amend the Election Law, in relation to allowing a child to accompany a parent in the voting booth;

3084, by Senator Maltese, an act to amend the Election Law, in relation to political committees;

4280, by Senator Maltese, an act to amend the Election Law, in relation to processing applications for registration to vote;

4469, by Senator Johnson, an act to amend the Election Law, in relation to the transmitting of certain information in computer readable forms;

5739, by Senator Volker, an act to amend the Election Law, in relation to determination of ballot positions.

All bills directly for third reading.

ACTING PRESIDENT KUHL: All bills are ordered directly to third reading.

Senator Skelos, there is no other housekeeping at the desk at this time.

SENATOR SKELOS: Thank you, Mr. President.

There being no further business,

I move we adjourn until Monday, March 18th, 1996 at 3:00 p.m. sharp, intervening days to be legislative days. Have a good week.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until Monday, March 18th at 3:00 p.m., all intervening days to be legislative days.

(Whereupon, at 11:45 a.m., the Senate adjourned.)