NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 8, 2000

11:08 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

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

(Whereupon, the assemblage respected a moment of silence.)

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 7th, the Senate met pursuant to adjournment. The Journal of Monday, March 6th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate 6772.

THE PRESIDENT: So ordered.

SENATOR SCHNEIDERMAN: Thank you.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, there's a privilege resolution at the desk by Senator Dollinger. May we please have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Dollinger, Legislative Resolution 3304, urging

the New York State Congressional Delegation to grant the President's emergency supplemental request to provide additional funds for the Low-Income Home Energy Assistance Program.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Madam President. Just briefly, on this.

I'd like to commend Senator Wright, as Chair of the Energy Committee in this house, who has been a leader in pushing for additional funds into the home heating assistance program.

What this resolution simply asks is that the Congressional delegation from New York join as a group to secure the additional $600 million in special federal assistance for the home heating oil assistance program.

The President has announced this. I think this is a wonderful thing for the people that we represent that need home heating oil.

And I commend Senator Wright and the Energy Committee for their work, quick work, in both laying out the difficulties with

home heating oil prices and his work to make sure that we have a handle on what is happening in those prices and in that marketplace.

The passage of this resolution I think will send a clear message to everyone in New York that the assistance for home heating oil is critical to the people that we represent.

And I also commend Governor Pataki, who has by administrative regulation increased the income level at which people will qualify for the HEAP plan. I think it was a good move on his part, and I think it broadens the benefits of assistance to those who need home heating oil assistance.

In this year, when the price of home heating oil approaches $2 a gallon, it's the right thing to do.

And I urge the adoption of this resolution, Madam President. And I thank the Majority for allowing it to come to the floor.

THE PRESIDENT: On the resolution, all in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we can have the reading of the noncontroversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 113, by Senator Hoffmann, Senate Print 4265, an act to amend the Agriculture and Markets Law, in relation to electronic filing.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

172, by Senator Skelos, Senate Print 1016, an act to amend the Penal Law, in relation to increasing the penalties for custodial interference.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 50th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 176, by Senator Saland, Senate Print 1830, an act to amend the Penal Law, in relation to establishing a presumption.

THE PRESIDENT: Read the last section.

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: Ayes, 46.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 212, by Senator Larkin, Senate Print 6257A, an act in relation to establishing a library district in the City of Kingston, Ulster County.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 8. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 246, by Senator Nozzolio, Senate Print 3775, an act to amend the Executive Law, in relation to personal interviews.

THE PRESIDENT: Read the last section.

SENATOR DUANE: Lay it aside, please.

THE PRESIDENT: The bill is laid

aside.

THE SECRETARY: Calendar Number 286, by Senator Marcellino, Senate Print 6483, an act to amend the Environmental Conservation Law, in relation to unlawful taking of wildlife.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 297, by Senator Trunzo, Senate Print 6186, an act to authorize the Holy Church of Christ in the Town of Islip to file an application.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45. Nays, 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 298, by Senator DeFrancisco, Senate Print 709, an act to amend the Surrogate's Court Procedure Act, in relation to computation of the commissions.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 317, by Senator Seward, Senate Print 6133A, an act to amend the General Municipal Law, in relation to designation of additional economic development zones.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 319, by Senator McGee, Senate Print 6589, an act to amend Chapter 540 of the Laws of 1992 amending the Real Property Tax Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 325, by Senator LaValle, Senate Print 6270, an act to amend the Public Authorities Law, in

relation to terms of office of members.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as Chapter 605 of the Laws of 1999.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 327, by Senator Padavan, Senate Print 6427A, an act to amend the Public Authorities Law, in relation to half-fare rate program.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

349, by Senator Leibell, Senate Print 6315, an act to legalize, ratify and confirm the acts and proceedings of the Board of Education of the Putnam County Valley Central School District.

THE PRESIDENT: There is a local fiscal impact note on this bill.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

THE PRESIDENT: The bill is passed.

Senator Skelos, that completes the reading of the noncontroversial calendar.

SENATOR SKELOS: Madam President, there will be an immediate meeting of the Energy Committee in the Majority Conference Room, Room 332.

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

Senator Skelos.

SENATOR SKELOS: Madam President, if we could now take up the controversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 246, by Senator Nozzolio, Senate Print 3775, an act to amend the Executive Law, in relation to personal interviews by the Board of Parole.

THE PRESIDENT: Read the last section.

SENATOR DUANE: Explanation, please.

THE PRESIDENT: Senator Nozzolio, an explanation has been requested.

SENATOR NOZZOLIO: Thank you, Madam President.

Madam President and my colleagues, this measure before us was introduced at the request of the State Division of Parole, and it's a measure that I've been working and members of our committee have been working on with Parole for a number of months.

And that is to change the Executive Law relating to a requirement that the Parole

Board members, who must travel to each of the prison facilities in our state to conduct these parole hearings, that we engage in utilizing the technology available today in teleconferencing the parole hearing.

That we're adding the use of - this measure adds the use of video teleconferencing as a method of conducting such interviews. It does not mandate that these interviews be conducted using video teleconferencing. It does not say that in all cases we must use video teleconferencing. What it does is provide a tool for the Division of Parole.

Because if you have any idea of the logistical travels that Parole must go through, traveling to virtually all corners of the state, in many cases four- or five-hour drives to the remote areas of the state where prison facilities are located, certainly it's a time-consuming process, an energy-consuming process, a costly process.

And what we're trying to do is mitigate all those costs in establishing, at least allowing in certain cases, the use of

video teleconferencing.

There has been a study, a pilot project between the State Board of Parole and the State Department of Correctional Services for the use of video teleconferencing for parole release interviews, and that has been effective. Now we're taking it one step further to this process.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Thank you. Would the sponsor yield for a couple of questions?

THE PRESIDENT: Senator Nozzolio, will you yield to a few questions?

SENATOR NOZZOLIO: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Duane.

SENATOR DUANE: I'm wondering if the report on the pilot program has been circulated to all the members of the committee.

SENATOR NOZZOLIO: I would be glad to facilitate the report. I do not have it with me today. But we'd glad to facilitate that to anyone that -- of this house that

wishes to see it.

SENATOR DUANE: Thank you.

SENATOR NOZZOLIO: And we'll make sure that Senator Duane and the President has a copy of this report.

SENATOR DUANE: And I'm just wondering -- I just don't know offhand -- do you know what the present salary for members of the Parole Board is?

SENATOR NOZZOLIO: Is someone asking me to yield?

SENATOR DUANE: Oh, this is number two.

THE PRESIDENT: This is the second question by Senator Duane.

SENATOR NOZZOLIO: It's the second question. All right.

Madam President, certainly the salaries of the parole commissioners are readily accessible through looking at the Executive Law. I do not know exactly the salary, but I think it's in the high $90,000 range.

SENATOR DUANE: Thank you.

Madam President, on the bill.

THE PRESIDENT: Go ahead, Senator Duane, on the bill.

SENATOR DUANE: I'm going to continue to withhold my support for teleconferencing of the Parole Board.

First, I'm very interested in seeing the results, which I haven't yet seen, on the pilot program.

And the other thing is that I think that, first of all, my inclination is to believe that there's no substitute for the personal interaction that happens during a Parole Board hearing, and that videotaping can't substitute for it.

I have a request in with the Parole Board to experience the technology. Sadly, that hasn't happened yet. But I'm still very interested in being able to experience what the technology is.

And then the other point I think which needs to be made is that no one forces someone to be on the Parole Board. Actually, the members of the Parole Board are well paid to serve on it. And I think part of the duties of the Parole Board members is to

actually go to the meetings.

And so for those reasons, I'm going to continue to oppose the use of video conferencing until we see the data. Although even at that, I still believe that there's no substitute for the personal interaction that would happen.

So I would urge my colleagues to vote no until we have some clarification about that.

Thank you, Madam President.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

Senator Smith, why do you rise?

SENATOR SMITH: Madam President, I request unanimous consent to be recorded in the negative on Calendar Number 176.

THE PRESIDENT: Without objection, Senator Smith, you will be so recorded as voting in the negative on Calendar 176.

Senator Skelos, that completes the reading of the controversial calendar.

SENATOR SKELOS: Is there any housekeeping at the desk?

THE PRESIDENT: No, there isn't, Senator.

SENATOR SKELOS: If we can go to motions to discharge.

THE PRESIDENT: Motions to discharge.

Senator Breslin.

SENATOR BRESLIN: Madam President, I believe there's a -

THE PRESIDENT: Excuse me. The Secretary will read first.

THE SECRETARY: Senate Bill 801, by Senator Breslin, an act to amend the General Obligations Law, the Civil Practice Law and Rules, and the Public Health Law.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Madam

President, may I be heard on the motion?

THE PRESIDENT: Of course. On the motion, Senator.

SENATOR BRESLIN: There's a bill before this legislature, a motion dealing with a bill to include HMO liability in New York State.

Eleven other states have adopted it, most recently California. We hold accountants liable, we hold doctors liable, we hold lawyers liable. But we have health maintenance organizations that make critical decisions dealing with not a patient but with a bottom line.

When we have them making decisions dealing with a bottom line, we affect our constituents and their health. Now is the time to adopt legislation that holds HMOs liable.

There's an argument, will this cost more money through lawsuits? I answer no. It increases the responsibility of health maintenance organizations and makes them more efficient. It makes them more accountable to us, the public, to allow us, if they make

mistakes, to be held accountable in a court of law. To do otherwise is ignoring what New York State people want and deserve.

And I urge my fellow Democrats and members from the other side to join with me to make HMO liability a reality. We've passed a Patient's Bill of Rights which takes a small step, a small step to ensure proper medical conduct. But we still don't have that law that holds HMOs responsible for their conduct.

Thank you very much, Madam President.

THE PRESIDENT: On the motion, all in favor signify by saying aye.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I join with Senator Breslin in urging that we move this bill to the floor and we vote on it.

We have something that is completely out of sync with the rest of our civil law in this state relating to health maintenance organizations. They are immune from liability. There is no other area of the

law where something like this has as broad an impact on the general public.

There's no reason for this, there's no justification for this other than the fact that this particular group of profit-making organizations managed to sneak this through and have hung onto it. We need to make HMOs responsible the way every other organization is responsible in this state.

People talk about trying to create a market for health care. And we need to have a good functioning market for health care. But one of the keys to the markets in the United States -- and the best example of this, I think, is the securities industry -- is the civil tort system. People are held responsible, held accountable in court for misconduct, for bad action.

And the system works magnificently. Our securities markets are the envy of the world. People criticize trial lawyers. I'll tell you something. If you didn't have trial lawyers, the securities markets would not be as good as they are now. And I used to defend cases in the securities industry. I was on

the other side.

We need to apply the same principles to the health care industry. This indemnification, this magic shield that the HMOs have is not helping, the system is not working, and it's time for us to follow the states that have gone before us. It's really a shame that New York, that has been a leader in many areas, has failed to take action on this.

I urge a yes vote on this and that we make this law this year.

THE PRESIDENT: On the motion, all in favor signify by saying aye.

SENATOR STACHOWSKI: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

THE PRESIDENT: The Secretary will call the party vote.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 20. Nays, 34.

THE PRESIDENT: The motion is defeated.

The Secretary will read.

THE SECRETARY: Senate Print 6439, by Senator Breslin, an act to amend the Insurance Law, in relation to a cap on rate increases.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Madam President, may I be heard on the motion?

THE PRESIDENT: On the motion, Senator Breslin.

SENATOR BRESLIN: Madam President, this is a motion to discharge a bill that would require the Insurance Department to conduct hearings when health maintenance organizations intend to raise premiums by more than 5 percent.

There has been a bill -- there had been a statute in place, which expired in January, which called for hearings if there was more than a 10 percent increase. Recently the Assembly has passed a bill with the 5 percent increase.

Why is this important? For each percentage increase in a health insurance premium, 60,000 more people are dislodged from

having health insurance. They go on the rolls of the uninsured.

We passed HCRA proclaiming that we were going to take people off the rolls of the uninsured. Yet here, 1 percent increase in the premium, 60,000 people taken off.

Our citizens deserve hearings, deserve hearings when increases are going to be more than 5 percent. Not the Insurance Department and the HMO -- privately, silently, without public input -- making decisions that affect the rates that we pay. And the rates that we pay are increasing at an alarming pace.

So I urge -- this isn't a Democrat or a Republican issue. This is an issue affecting each and every one of our constituents. And I urge this house to move to discharge a bill that would allow those hearings to take place when there are increases in excess of 5 percent.

Thank you very much, Mr. President.

ACTING PRESIDENT MEIER: On the motion, all those -- I'm sorry, I didn't see you.

Senator Lachman.

SENATOR LACHMAN: Mr. Chairman, I would like to echo my colleague's remarks. I think Senator Breslin has hit the nail directly on the head.

This has an adverse impact upon working families and middle-class families in the city of New York and the state of New York, and there is no reason why a hearing should not take place for an increase of 5 percent or more. I strongly support this motion to discharge.

ACTING PRESIDENT MEIER: The question is on the motion to discharge. All in favor of accepting the motion to discharge signify by saying aye.

SENATOR STACHOWSKI: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 20. Nays, 34.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I believe there's a motion at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Senate Print 6595, by Senator Dollinger, an act to amend the Public Health Law, in relation to health care information.

SENATOR DOLLINGER: Mr. President, I'd like to waive the reading of the motion and ask to be heard on it.

ACTING PRESIDENT MEIER: The reading of the motion is waived, and you're now given the opportunity to explain.

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

This is a football story, a football story that starts in 1996, when the State Legislature lined up and decided how to take care of health care in the State of New York under the Health Care Reform Act.

And as part of that, we snapped the ball of hospital report cards to the Governor of this state. What we said is we believe that consumers, in order to make intelligent choices in a competitive health care environment, should know the kinds of facilities that they go to for health care. So we created a hospital report card.

And that hospital report card is very similar to what we've done in our standards debate in education, where we issued report cards about schools. We've issued report cards about colleges that get federal and state money.

And as part of the 1996 act, we created a hospital report card. And we snapped the ball to the Governor of this state.

And unfortunately, the Governor dropped back, and he looked around him and realized that he was under pressure from special interests. And sure enough, the hospital interests and other interests sacked the Governor, we never got the hospital report card plan, and he dropped the ball about

hospital report cards.

And I would just suggest to you today that what we're doing is we're saying that ball is now right in the middle of the playing field. It's live in the middle of the playing field. And if you vote in favor of this motion, that ball is going to be sitting right on the 50-yard line.

And I want to tell my Republican colleagues on the other side of the aisle: Pick up that ball. I've got 23 blockers right here, 23 blockers, a convoy of blockers who are ready. When you pick up the ball, we'll run it to the end zone. In fact, I'm even willing to pick it up right now in this motion, and I'm willing to lateral it to Senator Bruno.

Now, all of you from western New York know that we're very sensitive about the issue of laterals. And it's a backwards pass. I'm throwing it right back to you. I'll throw it to Senator Hannon, I'll throw it to Senator Bruno, anybody who wants to catch it. It's right there. It's a backwards lateral. It's clearly legal.

All you've got to do is catch the ball. And we've got 23 blockers that will convoy you down the field, and we can take hospital report cards and jump over the goal line and take this idea that was a good idea in 1996, it was a good idea in 1999, it's a good idea in the year 2000, we can just jump over that goal line and do what we decided to do in 1996: create hospital report cards so that consumers of this state know the quality of services they get from a particular hospital in this competitive environment.

I'm willing to lateral the ball. I'll throw it right across the aisle. I'll throw it backwards. It's perfectly legal. Please, pick up the ball. Join the 23 blockers in front of you. We'll transport you right to the end zone. We'll get rid of the opposition. We'll go over the goal line, and we'll have hospital report cards.

The ball is there, it's lying on the ground. I challenge you to pick it up and do the right thing in the year 2000 that we knew was the right thing in the year 1996. It's an easy challenge. The blockers are

ready, the game will be over and our goal will be accomplished. Join us. Vote to discharge this bill from committee, put it on the floor.

It passed -- when we passed HCRA, it passed unanimously in 1996. I can't understand how a unanimous idea in 1996 is suddenly in such disfavor in the year 2000. The ball is there. We're ready to go.

I move to discharge the motion, Mr. President.

ACTING PRESIDENT MEIER: Any other Senator wish to torture that metaphor further?

(Laughter.)

ACTING PRESIDENT MEIER: Hearing none -- hearing none, the question is on the motion to discharge. All those in favor of the motion to discharge -

SENATOR DOLLINGER: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 20. Nays, 35.

ACTING PRESIDENT MEIER: The motion is defeated.

Senator Onorato.

SENATOR ONORATO: Mr. President, I respectfully request that an instant replay be given on that last count.

(Laughter.)

ACTING PRESIDENT MEIER: Senator Skelos.

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

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Wright, from the Committee on Energy and Telecommunications, reports:

Senate Print 2426, by Senator Wright, an act to amend the Public Service Law;

2427, by Senator Wright, an act to amend the Economic Development Law;

3901, by Senator Wright, an act to amend the Public Service Law;

3994, by Senator Wright, an act to amend the Public Service Law and the State Administrative Procedure Act;

4917B, by Senator Marcellino, an act to amend the Public Service Law;

And 6232, by Senator Alesi, an act to amend the Public Service Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Without objection, all bills directly to Third Reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business to come before the Senate, I move we adjourn until Monday, March 13th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Monday, March 13, at 3:00 p.m. Intervening

days will be legislative days.

(Whereupon, at 11:40 a.m., the Senate adjourned.)