NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 15, 2000

11:12 a.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 14th, the Senate met pursuant to adjournment. The Journal of Monday, March 13th, was read and approved. On motion, Senate adjourned.

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

Senator Bruno.

SENATOR BRUNO: Mr. President,

can we ask for an immediate meeting of the Finance Committee in Room 332.

ACTING PRESIDENT MEIER: Immediate meeting of the Finance Committee in Room 332.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator LaValle, from the Committee on Higher Education, reports:

Senate Print 2709A, by Senator LaValle, an act to amend the Education Law;

4944, by Senator LaValle, an act to amend the Education Law;

5253, by Senator Maltese, an act to amend the Education Law;

5377, by Senator LaValle, an act to amend the Education Law;

And 6453, by Senator LaValle, an act to amend the Education Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Without objection, all bills reported directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I wish to call up Senator Wright's bill, Calendar Number 393, Assembly Print Number 9408.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 393, by Member of the Assembly Tonko, Assembly Bill Number 9408, an act to amend the Public Authorities Law.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by which this Assembly bill was substituted for Senator Wright's bill, Senate Print Number 6481, on 3/14.

ACTING PRESIDENT MEIER: Call the

roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I now move that Assembly Bill Number 9408 be recommitted to the Committee on Energy and Telecommunications and Senator Wright's Senate bill be restored to the order of the Third Reading Calendar.

ACTING PRESIDENT MEIER: The bill is recommitted, and Senator Wright's bill will be restored to the Third Reading Calendar.

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

ACTING PRESIDENT MEIER: Amendments received.

SENATOR MARCELLINO: Mr. President, on page number 27 I offer the following amendments to Calendar Number 410, Senate Print Number 1962A, and I ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Skelos, on page number 30 I offer the following amendments to Calendar Number 437, Senate Print Number 972, and I ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR MARCELLINO: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, I believe that there is a privilege resolution at the desk by Senator Goodman. I would ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The

Secretary will read.

THE SECRETARY: By Senator Goodman, Legislative Resolution Number 3371, memorializing Governor George E. Pataki to declare Tuesday, March 21, 2000, as "Arts Day in New York 2000."

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

SENATOR GOODMAN: Mr. President, may I comment briefly on the resolution, if you please.

ACTING PRESIDENT MEIER: Of course. Senator Goodman.

SENATOR GOODMAN: Mr. President, it has long been noted that the New York State Senate has played a leadership role in the matter of advancing the arts in New York State.

And the resolution before us simply once again reiterates our very enthusiastic support for a day in which, symbolically, all the supporters of the arts from the state of New York gather here in the Capitol to present their very strong support for the arts and for

doing everything we can to emphasize two key points about them.

The first is the obvious spiritual and cultural enrichment which the arts of all kinds provide in the state. The second is the fact that the arts are a powerful economic engine, which in totality, it's recently been revealed, aggregate $14 billion of economic support all around the state. Whether in relation to the tourist industry or retail sales, hotels, attendance, and all the rest of it, we note that the arts constitute a major economic engine which must be given every future encouragement for the good of the state as a whole.

I invite you warmly, ladies and gentlemen, to attend on the morning of next Tuesday a rally in Hearing Room A in which there will be presentations made by both the Senate arts leaders and the Assembly, and we shall be distributing once again the revised version of the Arts Handbook, which I commend to all Senators and which I will be distributing to your offices, which constitutes really an encyclopedia of arts in

the state, giving you insights into every aspect of the state participation in the arts and their great importance to all of us.

Thank you very much, Mr. President. I hope that all within the sound of my voice, both in the chamber and through the squawk box, will make it a point to note in your calendar 10:00 a.m. Tuesday, it will be March the -- let's see precisely what it will be. Tuesday, March the 14th, on which date we shall report -- no, sorry, Tuesday, March the -- I've got my April calendar in front of my nose -- March the 21st, at which time we shall warmly welcome you and be glad to join arms with you in saluting the arts and in seeking an increase in the appropriations devoted to the arts in the coming year.

My colleague Senator Lack -- who is co-chairman of the Senate Culture Committee - and I invite you to this event and look forward to seeing you at that time.

Thank you.

ACTING PRESIDENT MEIER: Senator Balboni.

SENATOR BALBONI: Mr. President,

I'd like to rise just to make a note. And Senator Roy Goodman stands and says that the New York State Senate has been a leader in support of the arts. Well, in actuality, though there are many here who support the efforts for the arts, there is no greater champion in the state than Senator Roy Goodman.

And he has played a personal role in giving me an appreciation for the arts. And in working with the Council for the Humanities, as I sit on the board of directors for that group and see the incredible talent there that is the true resource for the State of New York, I think that if it wasn't for the efforts of Roy Goodman and my former employer, Senator John Dunne, who's in the chamber with us today, I would not have had the appreciation for the arts.

It is incredibly important that we continue New York State's commitment to promote the arts and further this great treasure that we all -- well, not only do we enjoy today, but our children will enjoy tomorrow.

Thank you, Mr. President.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Anyone in the chamber that would like to be on this resolution, Senator Goodman expressed that you let the front desk know.

ACTING PRESIDENT MEIER: Senator Bruno, should we follow our usual custom that those who do not want to be on can notify the desk?

SENATOR BRUNO: Thank you, Mr. President, yes.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Can we at this time take up the noncontroversial calendar,

Mr. President.

ACTING PRESIDENT MEIER: The Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 27, by Senator Balboni, Senate Print 853A, an act to amend the Civil Rights Law, in relation to confidentiality.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 40, by Senator LaValle, Senate Print 2063, an act to amend the Public Authorities Law, in relation to the definition of technology.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 70, by Senator Volker, Senate Print 3421, an act to amend the Criminal Procedure Law, in relation to pretrial motions.

SENATOR PADAVAN: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 108, by Senator Farley, Senate Print 3554, an act to amend the Banking Law, in relation to

the voluntary and involuntary liquidation of investment companies.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 17. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 119, by Senator Wright, Senate Print 3900, an act to amend the Public Service Law, in relation to avoiding unnecessary delays.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 207, by Senator Saland, Senate Print 2721, an act to amend the Family Court Act, in relation to procedures for the temporary removal of a child with consent.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 226, by Senator Bonacic, Senate Print 4139, an act to amend the Public Housing Law, in relation to the sale or lease of a housing project.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 284, by Senator Marcellino, Senate Print 4157, an act to amend the Environmental Conservation Law, in relation to the importation, possession and sale of fish and wildlife taken outside the state.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 13. This act shall take effect January 1, 2001.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 323, by Senator Marchi, Senate Print 4622, an

act to amend the Public Authorities Law and the Environmental Conservation Law, in relation to the Water Pollution Control Revolving Fund Program.

ACTING PRESIDENT MEIER: Just hold on a second.

Can we have some order in the chamber, please.

The Secretary will read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 345, by Member of the Assembly Vitaliano, Assembly Print Number 2845C, an act to amend the Education Law and the Vehicle and Traffic Law, in relation to prohibiting standing passengers on school buses.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 2. Senators Meier and Wright recorded in the negative. Also Senator Farley. Ayes, 50. Nays, 3.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 352, by Senator DeFrancisco, Senate Print 4416A, an act to amend the Parks, Recreation, and Historic Preservation Law and the Vehicle and Traffic Law, in relation to the use of police and emergency snowmobiles.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 9. This act shall take effect immediately.

SENATOR PADAVAN: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

Senator Bruno, that concludes the reading of the noncontroversial calendar.

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

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

THE SECRETARY: Calendar Number 352, by Senator DeFrancisco, Senate Print 4416A, an act to amend the Parks, Recreation and Historic Preservation Law and the Vehicle and Traffic Law.

SENATOR DeFRANCISCO: You would like an explanation?

SENATOR PADAVAN: Maybe you can just answer a brief question, Senator, if you would.

SENATOR DeFRANCISCO: Okay.

SENATOR PADAVAN: Does the Senator yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR PADAVAN: Who designates

the vehicle as an emergency snowmobile?

SENATOR DeFRANCISCO: It all depends on the circumstances. For example, in the case of a negligence case, a defense to a claim of negligence -- in an assault case, for example, there may be an emergency situation that you get out of an area. And in order to get out of that area, you may have to take the type of steps that normally would be considered assault.

So it's an emergency situation you determine based on a case-by-case analysis.

SENATOR PADAVAN: If the Senator would yield.

So it's the operator-owner of the snowmobile?

SENATOR DeFRANCISCO: I'm sorry?

SENATOR PADAVAN: So, from what you're telling me, if I'm correct, it is the owner-operator of the snowmobile who makes a judgment at that point in time that "I now am riding an emergency vehicle"?

SENATOR DeFRANCISCO: No, if it's an emergency situation.

SENATOR PADAVAN: Based on the

situation, makes that judgment.

SENATOR DeFRANCISCO: That's correct. Right.

SENATOR PADAVAN: So he can tear through someone's farmland, back yard, or whatever, and say "I'm on an emergency"?

SENATOR DeFRANCISCO: That's correct. But -

SENATOR PADAVAN: Okay, that's all I really needed.

SENATOR DeFRANCISCO: But if it turns out that it's not an emergency, then he's going to be liable, either under the criminal trespass laws or for trespass civilly.

SENATOR PADAVAN: Thank you, Senator.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 9. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52. Nays,

1. Senator Padavan recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

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

SENATOR BRUNO: Mr. President, can we return to reports of standing committees. I believe there is a report from the Finance Committee at the desk. I ask that that be read at this time.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution Number 3370, adopting a budget resolution proposing amendments to the 2000-2001 Executive Budget submission.

ACTING PRESIDENT MEIER: On the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

SENATOR CONNOR: Explanation, please.

ACTING PRESIDENT MEIER: Senator Bruno, an -

(Laughter.)

SENATOR BRUNO: Well, it's nice to know, Mr. President, that there are some people alert in this chamber and ready to be informed about this Senate Republican Majority resolution to help start towards enacting an on-time budget for the people of this state. And that means by April 1st.

A key to what will be in this resolution, and is in this resolution, is $1.9 billion in tax cuts; an EPIC program, $125 million worth, to help seniors pay for the cost of prescriptions and drugs, relief for middle-income families, a huge boost to education at every level, to reform state borrowing practices and eliminate back-door borrowing, to help improve the business climate here in upstate New York and throughout the state.

It includes aid to municipalities and $2.5 billion for roads and bridges that we will present to the voters of this state primarily for a bond issue, a general

obligation bond, front-door borrowing to help finance roads and bridges.

What we're presenting here is truly a blueprint to help New York State continue the economic prosperity that we presently enjoy, with businesses coming to New York State, growing in New York State, with people employed at the highest levels that we have enjoyed in decades.

It's a responsible plan for returning to taxpayers part of the $5 billion surplus and reserves. And that reserve and this surplus has been built on the platform of the things that we have done together in this chamber, with the other house, partnering with the Governor of this state.

We return, in the very first year, $515 million of this surplus to the taxpayers of this state, who paid these taxes in the first place to help us create the surplus. It increases spending by a little under $500 million over the Governor's budget proposal that he submitted in January and amended up till the middle of February.

We believe that this will represent

the foundation for us to enact the conference committees that we have all agreed will allow us to discuss this budget in public so that everyone can understand what we're advocating for or against.

And we are asking the Assembly to join us in debating this budget, in negotiating this budget as soon as tomorrow. If that's feasible, we would start with the general committee tomorrow.

Now, with the tax cuts, I think we've all known, because we have announced some of this previously, we eliminate the 4 percent tax on gasoline and on diesel fuel for passenger cars. That's about $300 million worth. Abolishes the gross receipts tax on utilities, $700 million worth. All of us know that one of the great inhibitors to business growth is the cost of power here in New York State, which is considered to be among the highest costs in all of the United States. Very important.

In '87, in the previous administration, we took away the thousand-dollars-per-person personal exemption

from the taxpayers of this state. We restore that. And we think that's critically important.

We expand the EPIC program to double, double the seniors that would be participating in that plan. We eliminate all of the fees that have been proposed for water, sportsmen, professionals, to the tune of about $11 million.

Education. Again, we approach a record for education, that's been a priority of the Senate. And we have together, two years in a row, set records in funding education. This year we add up to $875 million into education.

We have announced a College-Bound Program. And the College-Bound Program, as you all know, for the first time in this country would allow people to deduct the full cost of tuition anywhere in the United States, any college of their choice, public or private.

It also increases the TAP awards from 4,150 max to 5,000, income levels from 50,000 to 80,000. We think that's critically

important to help people increase their education and benefit from their ability to contribute greater and greater to our society.

TEACH, that we announced earlier. We help attract teachers, we help retain teachers, and it's a very comprehensive program. But one of the really keys to it is that you all know that teachers can retire in this state at age 55. And when they retire, they get their pension. And we create an incentive for them to retire. One-quarter of our teachers, 25 percent of them, are going to be out of the system in five years.

We have a crisis. 11,000 teachers are teaching in New York City that aren't certified. We're suggesting and recommending that we allow teachers at age 55, who are in the prime of their life, to continue to teach at full pay and set their pension aside in an account so that that money will accumulate. And, when they retire five years later, ten years later, they get the benefit of the increased pension amounts.

We also penalize teachers who come in from Connecticut, New Jersey and

surrounding states who want to teach in New York. Some of them are very experienced - they have 10, 12, 15 years in the system. When they come to New York, they start over.

We are suggesting that when they come to New York, they continue the pension benefit. If they have 14 years, they start their 15th year in New York. And again, the objective is to get teachers here, to retain the teachers.

There is an experienced Senior Teacher Program that gives bonuses up to $3,400 for teachers that get nationally certified. There's $10,000 per teacher if they will teach in districts where they're desperately needed and we have trouble attracting teachers.

And the program goes on. Those are the highlights. We increase community college aid, Bundy aid, and funding of the arts.

One of the things that we have always passed in this chamber have been bills that indicate that we will not pass unfunded mandates. We've done that every year. In this proposal, we do it again. And we

indicate that we will not do unfunded mandates. And for some of those that we have already passed and it's past six months, we protect the local taxpayer by providing relief to counties, to cities, and to municipalities at record levels.

And with transportation, there's a proposal out there that puts $16.5 billion in mass transit for a five-year plan which ceases to exist at the end of this year. Everyone knows that for the last years that anyone can remember, we've always had parity with roads and bridges and mass transit.

So we support the $16.5 billion, and we ask for your support to take the 14.2 for roads and bridges in the Governor's budget to 16.58. And for that $2.5 billion difference, approximately, that that be what goes to the taxpayers for their approval or disapproval. And we're confident that the people will recognize the importance of that.

We have a program in here that talks -- New York Soars. It's money that goes into airports throughout this state, 40 percent of it into New York City. Why?

Because we all recognize that if a state is going to be prosperous, you have to give people the ability to get in and out of that state reasonably, safely, and economically. And some of our flights have been prohibitive in some of the smaller airports.

So New York Soars puts about $650 million into the system to help our airports do what they need to do in capital construction. And it offers a subsidy to small airports where we will actually subsidize the fares when an airline proves that they can't afford to fly in and out of some of our upstate communities.

$34.9 million is in this in restoring CHIP funding for roads throughout municipalities that are a direct cost to the local taxpayers if we don't provide it.

In the summary, there's about 162 pages. All of you have a copy of this. That summarizes about 1400 pages. Senator Stafford, our Finance chair, the staff in Finance, in the program offices, member staffs, have worked diligently to condense this in some way that all of us can absorb

what's there. So I want to thank them here publicly for having stayed up nights, weekends to get us to where we are today.

And I am going to ask everyone in this chamber, both sides of the aisle, to join us for the first time in 15 years, starting tomorrow, to get in an open public discussion on our differences, if we have any, and get a budget in place for the people of this state by April 1st.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Let me say at the outset there's much in Senator Bruno's budget resolution that we in the Minority like. And I also concur with him that we should move the process. We're under the gun, as they say, with respect to the time here in getting to April 1st. So since we're under the gun, we should move forward rapidly.

Mr. President, the thing that we've observed the most the last couple of years in

the budget process and in the legislative process is that ideas do count. And good ideas brought forth by the Minority aren't always adopted posthaste by the Majority. But I have observed over the years that good ideas that persist in being advanced somehow end up coming to fruition.

So we particularly like the Majority's EPIC proposal. It's something that Senator Gentile sponsored in past budget amendments over the years -- which were turned down, but a good idea is irresistible.

We certainly like the Majority's initiative on repealing the gross receipts tax. But as we said last year, there's a better way to do it -- in fact, it's the Governor's proposal. And we will advance that later in an amendment, because we did that last year, and actually that approach was included in the final budget.

We certainly are concerned with respect to education. We will be offering amendments that we feel better address the educational needs of the state than does the Majority's proposal.

At the end of the day, this is a process that has to move along. I certainly wouldn't vote against this resolution, but I do urge the Majority to pay careful attention to our amendments, because as we've seen in the past, it may provide some ideas for those who are struggling in the Majority to come up with something new.

So without really going into any more detail, I think the first amendment we have -- and I would like to yield to Senator Dollinger.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President. I believe there's an amendment at the desk. I'd waive its reading and ask that it be considered by the house.

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

SENATOR DOLLINGER: Thank you, Mr. President. This is the simplest explanation you'll probably ever hear.

This repeals the marriage tax

penalty in New York, creates fairness for couples that are married that file jointly and use a standard deduction. It's being done everywhere. Catch the wave. It's being done in Washington, by Republicans and Democrats and the President; it's being done in Albany by the Assembly.

Let's do it here. Let's make it law and create tax fairness for married couples. It's so long overdue. Here's our chance.

I move the amendment, Mr. President.

ACTING PRESIDENT MEIER: On the amendment. All those in favor -

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 21. Nays, 33. Party vote.

ACTING PRESIDENT MEIER: The

amendment is defeated.

Senator Connor.

SENATOR CONNOR: Mr. President, I have an amendment at the desk. I'd like to call it up, waive its reading, and explain my amendment.

ACTING PRESIDENT MEIER: Reading of the amendment is waived, and you're now recognized to explain your amendment.

SENATOR CONNOR: Thank you.

Let me point out to the Majority something that I'm proud -- and I know Senator Bruno rightly congratulated the staff in the Majority, and I'd like to on the floor congratulate the Minority Finance staff.

You know, we first saw your proposal yesterday afternoon, as well as the Assembly proposal, and our staff prepared a comprehensive chart comparing the Governor, the Assembly, and the Senate proposals on virtually every issue. And a lot of people stayed up all night to do that.

So this is a tool that will be posted on our website, for the benefit of the press and others who wish to really analyze

what the differences are in the budget.

What? Oh, yes. And copies can be obtained for a modest fee.

(Laughter.)

SENATOR CONNOR: Mr. President, my amendment addresses school aid. And fundamentally what it does is it provides $1.3 billion more than last year in school aid money.

And let me address, first of all, if anybody cares about avails, admittedly in the revenue, consensus revenue forecasting, we were low. Lo and behold, though, what we've observed these past couple of weeks -- and perhaps the Majorities are right, because they're ready to spend the money, so it must be there. Really, employment numbers are up; that's good news. Revenues are rolling in. So we're prepared to take this money and put it where it belongs, in the future of the City of New York, in education.

Now, there will be a later amendment that addresses capital needs as well as standards. Everybody's talking about standards. No one's putting any money in to

get us to standards. So that will be addressed in a later amendment by Senator Lachman.

But my amendment would basically put -- provide for $1.3 billion more, similar to the Assembly. 81 million more would go to helping children meet higher standards, smaller classes, universal pre-K. The LADDER programs would get $287 million.

And one of the things we've done is we've taken transitional aid, which is somewhat controversial, and applied to it also a wealth factor. So that we've done something that I haven't seen anybody else do. We actually, on this amendment, we have school runs, district by district. And I can tell you like what school districts, if our amendment were adopted, how much more they would get.

For example, if this amendment were adopted, Yonkers would get another $26,306,000. That would be good for Yonkers, obviously. Westbury School District would get $3,688,000. Riverhead, $2,214,000. Levittown, $4,600,000. Freeport, $3,900,000.

Rockville Centre would get $1,295,000. Brentwood would get $15,526,000.

And on and on and on. We have it district by district how much more money this amendment would mean to those districts.

Mr. President, education is the priority for New York. It ought to be. Certainly the public has indicated the focus is on education. It's time to put real money up for education. The money is there. Let's spend it. This amendment, while it comes out at the same dollar figure as the Assembly, is slightly different. But more importantly, very importantly, different than the Assembly because of the way we've dealt with the transition aid formula to generate money for these school districts.

And it will mean so much more for the districts I indicated as well as many others in here. I mean, I guess I could stand here all day -- but I won't -- going through how much more money it means for all the districts that many of us in this house represent.

So I urge, Mr. President, that this

amendment be adopted. It means far more for education, far more for school districts than does the Majority proposal.

ACTING PRESIDENT MEIER: The question is on the amendment.

Oh, sorry. Senator Oppenheimer.

SENATOR OPPENHEIMER: I just want to tack on a little bit to what Marty has said.

I've been looking very closely at transition aid adjustments. And it was very interesting, I looked at the head of the Senate, Senator Bruno's districts. And because of transition aid caps, Rensselaer is losing over a million dollars; Troy, over 3½ million. In Saratoga, in Schuylerville, over 1½ million.

And these transition aid caps are so arbitrary and unpredictable that it's very hard for a school district to make any plans for the future.

And I think in the long run we are going to have to deal with the transition aid caps. Because the Campaign for Fiscal Equity that is now in the courts is going to make, I

believe, certain demands on us. And I think we have to focus our attention on the transition aid caps.

Though I am concerned on the transition aid ads, that they not be taken away, because over half of our districts in the state are now on save harmless and are benefitting from the ads.

But we really have to look at those caps. They're dangerous.

Thank you.

ACTING PRESIDENT MEIER: The question is on the amendment. All those in favor signify -

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 21. Nays, 35. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Lachman.

SENATOR LACHMAN: Yes, Mr. Chairman. I have an amendment which I'd like to have the reading waived so I can speak on it.

ACTING PRESIDENT MEIER: The reading is waived, and you're recognized to explain your amendment.

SENATOR LACHMAN: Okay. I believe everybody in this chamber, whether we come from suburban, urban, or rural areas of New York State, realize the importance of education. And I commend the Majority Leader for taking an initiative in this area.

What I would like to do is make certain that we set aside funds, in both a new standards aid reserve fund and a new school construction reserve fund, for the future. This is very important. I don't believe it's been done before.

Now, some of my colleagues in the Education and Higher Education Committee have been fearful that the new standards set by the New York State Board of Regents are excellent, but how are we going to meet them? How will

children who have not lived up to the standards that are anticipated for them, how will they now meet them?

As many of my colleagues have told me, there are no free lunches in our society. We realize that. Therefore, we have to put aside a reserve fund. And the Campaign for Fiscal Equity has demanded that we put aside these funds.

We have these funds. This is a good economic year. So what my amendment recommends is that we put aside $315 million for this fiscal year in the new standards reserve fund, which would come to $450 million during a school year.

Standards is excellence, but standards also means economic development in the State of New York, through children who can read, who can write, who can measure up to excellence.

Now, also I believe that eventually this fund should, in a few years, dovetail with the Lottery. Now, the money from the Lottery is dedicated to education. But we really must identify where this money is

coming from and where it's going to. And eventually I hope that this reserve fund would grow to $1.5 billion.

On the other amendment, we cannot have buildings that are rotting, that are in disrepair, that were built a hundred years ago. We can't have children attending summer school where the temperature is 120 degrees.

And with the simple act of this amendment, which would increase the school construction reserve fund by $500 million, we will alleviate that problem and create even greater excellence among the students of the State of New York.

Thank you.

ACTING PRESIDENT MEIER: The question is on the amendment. All those in favor signify by saying aye.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

THE SECRETARY: Ayes, 21. Nays,

35. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Breslin.

SENATOR BRESLIN: Mr. President, I believe there is a motion at the desk. I would waive reading and request that I be allowed to speak on the motion.

ACTING PRESIDENT MEIER: The amendment is at the desk. The reading is waived, and you're recognized to explain the amendment.

SENATOR BRESLIN: Thank you, Mr. President.

The motion takes nursing home care, home health care, and personal care -- which as you know, back in the early '80s, this body, with the Assembly, reduced the local share, the unfunded mandate share, to 10 percent. In the early '90s, we took another step, reducing that share to 9 percent.

But that unfunded 9 percent still remains as a burden to Albany County and the remaining 61 counties. And we talk about

unfunded mandates, but we should act on unfunded mandates. The future viability, economically, prosperity to our counties, rests on these unfunded mandates. And we're obligated to do away with them.

So I urge your support of this amendment to take away that 9 percent and allow the state to pick up that Medicaid portion for nursing home care, personal care, and home health care.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: The question is on the amendment. All those in favor -

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 21. Nays, 35. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Gentile.

SENATOR GENTILE: Mr. President, I believe I have an amendment at the desk. I ask that the reading be waived and you allow me to explain it.

ACTING PRESIDENT MEIER: The amendment is at the desk. The reading is waived, and you're recognized to explain the amendment.

SENATOR GENTILE: Thank you, Mr. President.

Much like my fight to help New Yorkers with covering prescription drug costs, I've also been active in the fight for repeal of the sales tax. So my amendment in this resolution is what I call a family sales tax package. And it does two things.

Particularly, in one, it eliminates the sales tax on purchases of health, hygiene, and safety items, because those items are not luxuries, those items are necessities. And we feel that those items should not be taxed: Health items, like aspirin and pain relievers and vitamins; hygiene items, particularly feminine hygiene products; and safety items,

like bicycle helmets. Those are the types of things we want people to buy. We should not tax people for those items.

Number two, my amendment would eliminate, completely eliminate the sales tax on clothing effective January 1, 2001. We made a good move this year by allowing the first $110 of purchases on clothing and footwear to be exempt as of March 1st this year. That's a good move. But it's not the best move.

The best move is to fuel this economy by eliminating the sales tax on clothing and shoes completely, so that we can create jobs in this state and fuel this economy to keep it going.

I urge this chamber to be fair, to be bold, and to be in the affirmative on this motion.

Thank you.

ACTING PRESIDENT MEIER: The question is on the amendment. All those in favor signify by saying aye.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 21. Nays, 35. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Stavisky.

SENATOR STAVISKY: Mr. President, I have an amendment at the desk. I waive its reading and I would like the opportunity to explain it.

SENATOR PADAVAN: The amendment is at the desk. The reading is waived, and you're recognized to explain your amendment.

SENATOR STAVISKY: The Senate Majority added $3 million for CUNY and $10 million for SUNY in its -- for the faculty lines in the proposed budget resolution. My amendment will add an additional $16 million over the $13 million that the Majority resolution includes.

In the last five years, SUNY has

lost over a thousand full-time faculty, resulting in a full-time faculty percentage approaching 60 percent. And CUNY, though, is less than 50 percent. But it's in the community colleges where there's an astounding 30 percent ratio of full-time faculty.

Full-time faculty are needed to meet with students, to participate in college activities, and so on. And the need for full-time faculty, particularly at the community college level, is urgent.

Secondly, the community college advocates have asked for a $150-per-FTE line for one year. My amendment -- the Senate has included a $75 FTE, and my amendment would include an additional $75 per FTE, phased in over one year, so that the need for tuition increases will be reduced, the program cuts and the local tax increases to prevent the diminishing state cost of tuition will be reduced.

And I urge its adoption.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: I'd like to add

a 30-second addendum to -- I wanted to say Professor Stavisky -- to Senator Stavisky. It is unconscionable that the teaching hospitals of the State of New York have a $116 million structural deficit. Whether it's Stony Brook, whether it's Syracuse, whether it's Downstate Medical Center in Brooklyn, this must be eliminated.

And this amendment will eliminate that this year. Thank you.

ACTING PRESIDENT MEIER: The question is on the amendment. All those in favor signify by saying aye. Opposed -

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 21. Nays, 35. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President. I believe there's an amendment at the desk. I'd waive its reading and ask to be heard briefly.

ACTING PRESIDENT MEIER: The amendment is at the desk. The reading is waived, and you're recognized to explain.

SENATOR DOLLINGER: I didn't think I could be briefer than I was on the marriage tax penalty, but this is even easier.

This is the Governor's idea. Repeal the franchise tax on gross receipts for our utilities. Do it now. Don't wait till 2004. We've got the ability to do it now, we've got the money to do it now.

The time has come to fulfill the promise that we've made about repealing the gross receipts tax. Why wait four years? Do it now. We can do it now in this presidential year before we elect the next president. It seems now is the time to do it.

I urge the adoption of this amendment.

ACTING PRESIDENT MEIER: The question is on the amendment. All those in

favor signify by saying aye.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 21. Nays, 35. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Duane.

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

I believe there's an amendment at the desk.

ACTING PRESIDENT MEIER: Your amendment is at the desk. Do you wish to waive the reading?

SENATOR DUANE: I do.

ACTING PRESIDENT MEIER: The reading is waived, and you're recognized to explain.

SENATOR DUANE: Thank you very

much.

The amendment that I'm putting forward would restore $1.8 million for community-based organizations and community service programs which provide outreach, risk reduction, case management, referrals, training and other support services for people providing services for people with AIDS and people at risk of HIV.

Also a restoration of $1 million for permanency planning. This is a very, very sorely needed program. I can't imagine why it is that this was eliminated. I don't think anyone could ever deny that there's an enormous need for permanency planning. And to eliminate any funding for it is just a tragedy.

Also, a million dollars for HIV prevention and outreach to substance abusers. This is also a restoration. I would hope that this would make it so that no one has to be in the same fix I am in terms of having HIV.

Also, a restoration of $1 million for treatment compliance. We know, because of our work in tuberculosis, that treatment

compliance is critically important, particularly with the complications -- the complicated timing needed for drugs which keep people alive who have AIDS. It's a $1 million restoration, and obviously that's money that we need. We actually need even more money than that.

Also, I'm calling for new funding, $1.4 million for nonmedical community-based organizations. This particularly would prevent infection of young people with HIV. That's one of the most rapidly increasing groups of people who are being infected with HIV, young people. Let's try to not have another generation of people who are infected with HIV.

And, finally, $1.8 million for the multiservice agencies who again do prevention work and outreach work and provide services for people with HIV.

And finally, because we're talking about people at risk, while I know that the Senate Majority put forward a million dollars over the Governor's budget for the SNAP program, the supplemental nutritional program

for older people, advocates tell us that nearly 75 percent of people who could use this program are not getting access to it.

And I think it would behoove us to put an additional $2 million into the budget over the million dollars that the Senate Majority has already suggested, and bring that funding up to $19.2 million. That way we could reach a part of that 75 percent of older New Yorkers who are not getting the nutrition that they need and providing for the quality of life which I believe we owe them.

Thank you.

ACTING PRESIDENT MEIER: The question is on the amendment. All those in favor signify by saying aye. Opposed -

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 22. Nays, 35. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Breslin.

SENATOR BRESLIN: Mr. President, I believe there's a motion at the desk. I would waive reading and request that I be allowed to be heard on the motion.

ACTING PRESIDENT MEIER: The amendment is at the desk. The reading is waived, and you're recognized to explain it.

SENATOR BRESLIN: Mr. President, briefly, this is a three-part motion.

The first part is to allow people who are coming out of jails and mental institutions to be presumptively eligible for Medicaid. People are coming out and having a strong inability to reapply; they fall through the cracks. This is a cost-saving measure and a measure that helps us in society.

The second part of the motion is to allow a Medicaid buy-in for people with disabilities. People with disabilities rely strongly on their health insurance through Medicaid. So they're really discouraged from working. If they were allowed to work and

paid into a buy-in to Medicaid on a graduated level, it would put people on the tax rolls, paying taxes, as paying citizens.

The third part of the motion deals with Kendra's Law. Which, as you know, is the assisted outpatient treatment law. We passed that law, but by doing that, we passed on an unfunded mandate to the counties. And that unfunded mandate tells the counties that they must pay the costs associated with Kendra's. And it's up to us to say no again to another unfunded mandate.

I request and urge each of you to support this motion.

ACTING PRESIDENT MEIER: The question is on the amendment. All those in favor signify by saying aye. Opposed -

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 22. Nays,

35. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Seabrook.

SENATOR SEABROOK: Yes, Mr. President. I think there's an amendment at the desk. I'd like to waive its reading and be heard on this amendment.

ACTING PRESIDENT MEIER: Your amendment is at the desk. The reading is waived, and you're recognized to explain it.

SENATOR SEABROOK: Yes. This program is the Community -- City University Police Cadet Program. And the goal of the City University Police Cadet Program is to recruit a thousand qualified and trained cadets for service in the New York City Police Department.

The program combines formal education and training with hands-on NYPD internships. Those who graduate from the program will be better equipped to serve as police officers.

The CUNY Police Cadet Program is designed to prepare candidates for the

complexities of modern police work in an ethnically diverse community. The program combines college education, specialized coursework in law enforcement, skills development training, and supervised public safety internship. CUNY represents the ethnic and gender distribution of the city's population.

The cost of this program is $4 million. And this program has been a tremendous success. It has not been funded, but it should be funded. Perhaps we would not have had situations of Amadou Diallo and others who have actually had problems with the Street Crime Unit and with the profiling that takes place within police departments in the City University and the City of New York. There's a way in which we can solve this, by better training and equipping our police officers.

This program at John Jay College is a tremendous asset, and it certainly will serve to better the relationship with the New York City Police Department and the communities which it serves.

Therefore, I would urge my colleagues to vote for this amendment. It would best serve the City of New York as well as the NYPD.

ACTING PRESIDENT MEIER: Senator Sampson.

SENATOR SAMPSON: At this point I rise in support of Senator Seabrook's amendment to restore $4 million to the cadet program in the CUNY system.

We have a crisis in New York State, and that is the relationship between our communities and the police departments. And this program in and of itself allows us to recruit a thousand officers to enter a program to not only receive a formal education, but also a formal training from the New York Police Department.

And what this better does is it better prevents situations such as Abner Louima, Diallo, Eleanor Bumpers, and Baez.

So I rise in support of the restoration of the $4 million to the CUNY cadet program.

Thank you.

ACTING PRESIDENT MEIER: The question is on the amendment. All those in favor signify by saying aye.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 22. Nays, 35. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Smith.

SENATOR SMITH: Mr. President, I believe that there's an amendment at the desk. I request that the reading of the amendment be waived and I be permitted to explain my amendment.

ACTING PRESIDENT MEIER: The amendment is at the desk. The reading is waived, and you're recognized to explain the amendment.

SENATOR SMITH: Thank you, Mr.

President.

Senator Seabrook has explained the need for a program at CUNY, but the city of New York is not the only place within our fair state. Therefore, my request is that we add $2 million to the DCJS budget which would allow state police and municipal police, by grants only, to implement programs of training in ethnic diversity and other needs where there is a diverse population.

So that those police officers in places like Rochester and Buffalo will also have the kinds of training that is necessary to deal with people of all colors, races, and religions.

ACTING PRESIDENT MEIER: The question is on the amendment. All those in favor signify by saying aye. Opposed -

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 22. Nays, 35. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, I believe I have an amendment at the desk. I'd like to waive that reading, and I'll explain the amendment.

ACTING PRESIDENT MEIER: The amendment is at the desk. The reading is waived, and you're recognized to explain it.

SENATOR STACHOWSKI: Basically, this amendment would increase the size of the bond act for the Bridge and Highway Trust Fund Program. It's estimated by all the experts that more than the amount in the bond act was necessary to get our roads and bridges up to speed and also finish any infrastructure programs that are necessary to help with the economic viability of New York State.

This amendment would take the bond act from -- up to a $6 billion total, which we believe is the necessary amount to accomplish all the building of roads and bridges that are

necessary in New York State.

ACTING PRESIDENT MEIER: The question is on the amendment. All those in favor signify by saying aye. Opposed -

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 22. Nays, 35. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Hevesi.

SENATOR HEVESI: Thank you, Mr. President.

I believe there's an amendment at the desk. I ask that its reading be waived, and I wish to be heard on the amendment.

ACTING PRESIDENT MEIER: Your amendment is at the desk. The reading is waived, and you're recognized to explain it.

SENATOR HEVESI: Thank you.

Mr. President, if we were so given to naming amendments, this amendment would be named the "Fiscal Equity for the City of New York Amendment." It essentially has two components.

In the first component, the City of New York would receive an additional $20,500,000 in funding that is in recognition of the fact that the city is denied that exact dollar amount in funding, in revenue-sharing assistance. That is a direct consequence of DHCR, the Department of Housing and Community Renewal's inability to certify as reimbursable money for which the city spends on administration for provisions of the Rent Regulation Law and the Emergency Tenants Protection Act.

There's no real reason why the city should be denied this funding. It is an inequity which we must address, and we can do it here today.

The second component of this amendment is an issue that the Senate Democratic Conference has been talking about for many, many years. I have been heard on

this issue countless numbers of times. This part of the amendment would add an additional $7.3 million in recognition of prior-year school aid claims owed to the City of New York, which would bring the total aggregate amount provided in the Executive Budget, plus what we're amending today, up to $27.8 million -- the amount at which, in the current fiscal year that we are in, prior-year school aid claims are funded.

This would go some way to addressing the terrible injustice that has been bestowed on the City of New York for many years. But unfortunately, it wouldn't even go far enough. This is essentially analogous with only paying the minimum payment on your credit card debt when you have thousands and thousands of dollars in credit card debt. It doesn't solve the problem.

We're going to attempt to solve the problem in a more global way in the near future. This is certainly a step in the right direction, and I urge all of my colleagues to support this amendment.

ACTING PRESIDENT MEIER: The

question is on the amendment. All those in favor signify by saying aye. Opposed, nay.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 22. Nays, 35. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. I believe there's an amendment at the desk. I request that its reading be waived so that I may be heard.

ACTING PRESIDENT MEIER: Your amendment is at the desk. The reading is waived, and you're recognized to explain the amendment.

SENATOR SCHNEIDERMAN: Thank you very much.

My amendment, to continue a theme

set forth by my colleague Senator Hevesi, relates to the inadequate treatment of New York City and the suburbs in the state's budget.

And I hope no one on the other side of the aisle will be offended if I venture to criticize the Governor. He portrays himself as an environmentalist, but in fact what we've got in New York State is an urban environmental crisis, an urban environmental crisis relating to our two most precious resources, our water and our air.

This amendment would help us protect the precious watershed that provides drinking water for New York City and many suburban communities. The entire budget for the Inspector General, who has responsibility for protecting our watershed, is $110,000. We have one lawyer trying to protect tens of thousands of acres. This amendment would add $500,000 to that budget and make the Inspector General's office a direct appropriation.

We also would seek to expand the funds in the Environmental Protection Fund available for urban projects, open space, to

protect our air. Many of you know we have a crisis of children with asthma in New York City and in other urban areas. This is something we have to address. The Governor says he's an environmentalist. When it comes to putting aside land in the Adirondacks, he's been pretty good. But the closer we get to the city, the worse he gets.

It's time to put an end to that. This amendment will take a big step forward. I urge everyone to vote yes.

ACTING PRESIDENT MEIER: The question is on the amendment. All those in favor signify by saying aye. Opposed, nay.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 22. Nays, 35. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I have an amendment at the desk, and I would like to waive the reading of the amendment for purposes of explaining it.

ACTING PRESIDENT MEIER: Your amendment is at the desk. The reading is waived, and you're recognized to explain the amendment.

SENATOR MONTGOMERY: Thank you.

Mr. President, we often hear many people quote this famous African proverb, that "it takes a village to raise a child." So my amendment will create the village that is necessary in order to both protect our children, give them a quality childcare program, as well as make it possible for parents to work and/or go to school.

My amendment simply does this. It proposes that we put $20 million into the Childcare Facilities Development Program for the purpose of construction and rehabilitation, so that we can actually in fact increase the number of spaces available for childcare.

I would also urge my colleagues to consider putting $100 million of the federal temporary assistance to needy families surplus fund -- that's the TANIF program funds -- to provide more subsidy for families who are at or below 250 percent of the federal poverty level.

In addition, I would request $4 million in additional funding for what we consider the childcare resource and referral agencies. Those are the agencies that are out there in our various communities working with family daycare providers and childcare providers to help them meet the licensing requirements, receive training, and to help families identify where to place their children. So that is a crucial missing piece in our childcare program.

Additionally, I would like to see $1 million for the restoration and enhancement of caseworker training programs; $50 million for a wage enhancement initiative. It means, then, that we're no longer considering people who work with children the lowest-paid people in the state.

And I would also request, finally, that we put $2.5 million in our SUNY and CUNY childcare programs.

This, Mr. President, is a well-thought-out, well-rounded, comprehensive approach to providing childcare for children and working parents. Thank you. I hope that we will all vote yes on this amendment. It's very important.

Thank you.

ACTING PRESIDENT MEIER: The question is on the amendment. All those in favor signify by saying aye.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 22. Nays, 35. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, I believe I have an amendment at the desk. Could I waive the reading of the amendment and give a brief explanation?

ACTING PRESIDENT MEIER: The amendment is at the desk. The reading is waived, and you're recognized to explain the amendment.

SENATOR STACHOWSKI: This amendment merely eliminates the motor fuels tax throughout the summer tourist season, from Memorial Day to Labor Day. And it also provides that the State General Fund shall reimburse the Dedicated Highway and Bridge Trust Fund, the Emergency Highway Reconditioning and Preservation Fund, and the Emergency Highway Construction and Reconstruction Fund for loss of revenues during this period.

I hope everyone can support this amendment.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, I can't think of a better idea than the one

Senator Stachowski just raised to eliminate the motor fuels tax, particularly at this time in our state's development. And so I stand up to proudly support it.

And I notice that we've had 15 previous amendments, and they all lost. And so like any legislator that wants to feel a part of things, I thought that maybe I could make a difference. Maybe on the 16th amendment, we might pass this amendment.

Now, I come to this occasion having lost, as Senator Connor's deputy, over 90 amendments in my time. But Senator Connor, I think, displayed wisdom by allowing me to sit here every day, because I can handle it. I attended Columbia University. We set the NCAA record for losing 43 straight college football games. Even the year that I was installed as quarterback, we lost every game.

(Laughter.)

SENATOR PATERSON: And the fact is that behind all of the mirth and frivolity, the point is that we played.

We in the Minority believe in the process. We had ideas, ideas that in the past

we have seen come to fruition with others' names on it, sometimes as if we never even participated in the process. And I think personally perhaps a few people felt a little dissuaded.

But the fact is that these are ideas that help to change government. These are ideas that we actually needed.

So I'm actually here to help the Majority, particularly the Majority Leader, Senator Bruno. I don't know if you know this, Senator Bruno, but I am an angel. And I'm here to help you fulfill your own prophesy of inclusion and the curriculum that gives opportunity and ideas to people who may be in the Minority but come every day, work hard, and want to be a part of things.

So I think on this last motion, one that would eliminate the fuel taxes that Senator Stachowski described, the motor fuels taxes, this is an opportunity to show what a cooperative body this is.

So I support Senator Stachowski's motion. I support all the motions that we heard today. I think it occurs when a group

of legislators -- in this case, 14 have spoken -- possess new ideas. And we come from neighborhoods around this state, from Buffalo to Brooklyn, that need them.

ACTING PRESIDENT MEIER: The question is on the amendment. All those in favor signify by saying aye. Opposed, nay.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 22. Nays, 35. Party vote.

ACTING PRESIDENT MEIER: The amendment is defeated.

For the purpose of closing, Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President. Thank you, colleagues.

I want to really thank the Minority for having proposed the 16 amendments, and many of them very well thought out. And many

of them I'm sure we will -- when properly discussed, reviewed, dealt with, will appear on the floor. And you can then take full credit. Just as we now take full credit for what you're about to approve.

I want to just caution you, because while many of your proposals truly are very meritorious -- we're cognizant of that. But I have to think about $6 billion bond issue. Do we need it? Sure. $3 billion, calculating what you've just proposed, increase in the General Fund.

What comes to my mind is what I used to see in the commercials all the time: Where's the beef? Where does the money come from? We in the Majority can add, I guarantee you without even leaving the chamber, another 6½ billion dollars to your very well thought out proposals.

What we love to do is spend money. Why? Because we make life better. In education, higher ed, health care, roads and bridges, mass transit, we all love to spend money. We join you in that.

But we are in the Majority. We

have to have some responsibility. We have to make the tough decisions. And that's why the people of this state put us here, that's why they will keep us here, and that's why we will continue to negotiate and debate and welcome your input. Because I truly believe that when we hear and we debate and we discuss, we end up with a better product.

And when we do our budget by April 1, we will have a better product. Because many of the things that you've talked about will be incorporated. So we welcome the debate. We look forward to working together.

And we look forward to an on-time budget if you can get your colleagues in the Assembly that are in the Majority to recognize that what got this state in trouble six years ago, when we in this chamber had to deal with a $5 billion deficit, was overspending. We've recited the numbers. In the previous administration, if spending had gone up only the inflation rate, we would have ended up 12 years later with a $15-plus billion surplus instead of a $5 billion deficit.

So the word of caution to all of us

is that we contain our enthusiasm for spending because the policies that are in place with this Governor, with we partnering with him, have created the largest surplus in the history of this state. We want to make sure next year we're saying the same thing and the year after we're saying the same thing.

So thank you for the thoughts, the ideas, and the further discussion, and we look forward to continuing that through the budget process and concluding by April 1st.

Thank you, Mr. President.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

The Secretary will record the negatives and announce the results.

THE SECRETARY: Ayes, 54. Nays, 3. Senators Dollinger, Duane, and Schneiderman recorded in the negative.

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Bruno.

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

ACTING PRESIDENT MEIER: Yes, we have a motion, Senator Bruno.

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, on page 10 I offer the following amendments to Calendar Number 131, on behalf of Senator Maziarz.

ACTING PRESIDENT MEIER: The amendment are received.

Senator Bruno.

SENATOR BRUNO: Mr. President, I'd like to announce that there will be an immediate meeting of the Republican Conference in Room 332 after session, after session concludes.

And for purposes of further business on the floor, I would ask you to recognize Senator Schneiderman.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Senator Bruno.

Mr. President, there is a motion at the desk. I ask that its reading be waived and that I be heard on the motion to discharge.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Senate Print 6253A, by Senator Schneiderman, an act to amend the Public Health Law, in relation to emergency contraception in cases of rape.

ACTING PRESIDENT MEIER: The motion is at the desk. The reading is waived, and you're recognized to explain.

SENATOR SCHNEIDERMAN: Thank you.

I am sorry that I have to be here moving to discharge this legislation to the floor, because this is something that the New York State Department of Health could have and should have dealt with, in my view. And it relates to a disgraceful situation in the hospitals of the state of New York.

Unfortunately, we had to wait for a private public-interest organization to come forward and expose this situation last November. The New York NARAL issued a report

relating to the treatment of rape survivors by the emergency rooms in the hospitals of the state of New York.

For 20-plus years, we have had available emergency contraception that can prevent pregnancy if you are a rape survivor. It has been provided in many hospital emergency rooms for a long time, part of the accepted protocols of the best hospitals.

Astonishingly, NARAL's report last November revealed that 54 percent of the hospital emergency rooms in this state do not even make available emergency contraception to rape survivors.

The State Health Department, when we tried to reach out to them, refused to change its policy to require this, and that's why we're here today with legislation. There is a bill in the Assembly that will pass, and I urge that we take action to deal with this.

Emergency contraception is not something that produces an abortion. It prevents conception. It's something that is acceptable even in Catholic hospitals. There is no reason other than neglect and the

failure of public policy for the State Department of Health to fail to take action on this. There is no reason for us as a Legislature to fail to take action on this.

Taken within 24 hours, emergency contraception is almost 95 percent effective. After that, its effectiveness declines every hour. The state's policy right now is to inform rape survivors that they can go somewhere else and get emergency contraception. That's not acceptable. That's not reasonable.

And all -- those of you in this house who are opposed to abortions, who want to reduce the number of abortions, I urge you that if you vote against this bill, you are increasing the number of abortions in this state. You are essentially forcing rape survivors to get pregnant against their will, and many of those people will have to have abortions.

This is a disgraceful situation. I urge that this motion be passed, this bill be brought to the floor, and this situation be remedied. And I urge bipartisan support for

this important issue.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, I believe that Senator Schneiderman made a point in his discussion that deserves to be stated and restated. The fact is that a majority of those who would describe themselves as pro-life, in that they oppose a woman's right to choose in these type of situations, still make an exception for cases of incest and in the cases of rape survivors.

That being the case, it would seem as if it would ease the burden for all concerned and reduce the number of abortions in this state if we mandated that these policies are carried out by our hospitals around the state.

It's appalling that our Department of Health has not seen fit to make an immediate change after being given this information by NARAL. It's not only appalling, but it's disturbing and certainly piques my curiosity as to why such action wouldn't be taken.

Well, Senator Schneiderman is taking action in this chamber today, and he's using what some might term a procedural motion. Of course it's a procedural motion, because it's listed in the rules of the Senate. It's a procedure. It is a way to get this piece of legislation right out and vote on it right now. Opposing it is tantamount to opposing the bill. It's not opposing a motion. This is what the motion is for, to make that change.

So I couldn't urge my colleagues any more, lest the situation visit all of us personally or in our families, that we can speak right now by voting to sustain Senator Schneiderman's motion to discharge this legislation.

ACTING PRESIDENT MEIER: The question is on the motion to discharge. All those -

I'm sorry, Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I just want to rise to support Senator Schneiderman's bill, his motion to discharge a bill.

And let me just say that I'm only sorry that we're not in fact discussing a bill that would allow women in this state access to RU 486. That might really prevent us from having these annual rituals of this disgraceful discussion about whether or not women should have a choice for determining what happens to their own lives and bodies.

However, short of that, Senator Schneiderman is proposing that we at least provide women access to this important contraception which would help to relieve at least some of the crisis around a person who has been raped.

And so, Senator Schneiderman, I support this and I certainly hope that all of my colleagues would support this humane legislation, or your attempt to get the legislation on the floor.

Thank you.

ACTING PRESIDENT MEIER: The question is on the motion. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed,

nay.

SENATOR PATERSON: 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, 22. Nays, 35. Party vote.

ACTING PRESIDENT MEIER: The motion is defeated.

Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President. I believe there's a motion to discharge at the desk. I'd ask that I waive its reading and be heard on the motion.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Dollinger, Senate Bill Number 6771, an act to amend the Executive Law, in relation to enacting the safe-burning cigarette act.

ACTING PRESIDENT MEIER: Reading is waived, and you're recognized to explain.

SENATOR DOLLINGER: Thank you, Mr. President.

This is an opportunity to stop a killer. This is an opportunity to stop a product that kills people. This is an opportunity right now to do something that we've needed to do for the better part of 13 years.

For some reason, we in this nation and in this state have unconscionably allowed cigarettes to not only kill people over a longer term, as I believe they do, but we've allowed them to kill people in horrible ways, by being the major cause of fires in this state.

This bill would create a standard for safe-burning cigarettes in this state and in essence say that if you fail to puff the cigarette, if you weren't smoking it, it would extinguish itself. And as a consequence, the following things would never have happened. On February 28th, in Ossining, 76-year-old Agnes Morris was burned to death in her apartment when a cigarette ignited her clothing. On the same day in Yonkers,

Lieutenant Barry Stetchers was injured trying to put out a cigarette fire. The day before, in Woodbury, an 83-year-old named Pauline Sayers was in critical condition after being rescued from a cigarette fire initiated by one of her careless neighbors. On the 22nd of February, Maria Martinez, a wheelchair-bound 63-year-old, died when she was burned to death by a cigarette. And then on January 31st, the famous author -- lived down the hall from my father at Cornell in the late 1930s -- Kurt Vonnegut sustained critical burns as a result of a cigarette igniting the study in his Manhattan apartment.

You want to see the litany of people that are dying in cigarette fires? It's right here. I'd be glad to give it to anyone. It's a list of tragedies, all of which could be prevented.

In 1987, the National Institute of Science and Technology said that there is technology available to build a safe cigarette. They can change the density of the tobacco, they can change the porosity of the paper, and they can build a cigarette that

functions in a manner that it goes out if you don't puff it. And therefore, it's not going to be left on someone's couch or fall on someone's clothing when they fall asleep, and they're not going to die in a fire that could be easily preventable.

And I would suggest to everybody in this chamber, look at the list of people who support this act. And the list is enormous, from volunteer fire companies across this state who are sick and tired of putting their members' lives in jeopardy to go into the homes of careless smokers, to fire companies, professional fire companies, to public interest groups. They're all on one side of the ledger.

There is only one name on the other side: some obscure Virginian named Philip Morris who opposes this bill. Why should Philip Morris stand in the way of doing the right thing for the people of our state and protecting them from the greatest cause of fire deaths in this state?

There are seven members of the Majority who are on a bill that Senator

Padavan has in the house which is identical, virtually identical to this bill. This is the right thing to do. Now is the right time to do it.

And I'm going to take one final point of personal privilege. We've named lots of bills after lots of people in this house. Well, I'm going to name this bill after Kurt Vonnegut's character that appears in all of his novels. This is Kilgore Trout's Law.

And it's about time that we stood up and said that we're going to pass a law that's going to protect everyone in this state from unsafe cigarettes. Here's your chance. Stand up and be counted. Say to the people of this state that we stand to protect them from unsafe cigarettes. Pass the Trout Law.

ACTING PRESIDENT MEIER: Senator Hevesi.

SENATOR HEVESI: Thank you, Mr. President. I rise to support Senator Dollinger in his quest to enact this amendment and protect people in New York State.

Before I was elected to the New York State Senate, I served as director of

management analysis in the office of the Queens borough president, where one of my responsibilities was to serve as the liaison to the New York City Fire Department.

So let me just share with you one brief sentiment or statement that I believe is particularly germane, and may come as a surprise to some people in this chamber. Civilian fire deaths are entirely preventable. Not sometimes -- not 60 percent of the time or 70 percent or 80 or 90 or 95 or 98 percent - 100 percent of the time, no one ever has to die in a fire. Period.

And this is commonsense legislation. It's really a travesty that we have not seen the enactment of this legislation in New York State. And, frankly, I believe this should be done at a federal level so that every state has the protection that we're trying to afford to citizens here in New York State.

But I also want to take this opportunity, on the same subject, to address a problem that -- and I'm not really speculating here. I can say with some confidence,

somebody's going to die in the state of New York in a residential dorm in a college or university in this state, because it was revealed recently at the joint fiscal committees' hearings that at least 25 percent of SUNY residential dorms are not equipped with automatic sprinkler systems. I don't even know what percentage of dorms at private universities throughout New York State are not sprinkler-equipped.

But let me tell everyone in this chamber something. There has never, in the history of this country, been a multiple fire fatality in any facility that has been fully automatically sprinkler-equipped, ever. No multiple deaths. There have been single deaths, but no multiple deaths ever. Ever.

What does it mean? It means that if in Seton Hall early in January there had been sprinklers in those dorm rooms, those students would not have been killed, those three students. And I believe it was five or six others who were critically injured, both with burns and smoke inhalation, casualties.

This is something that is

completely preventable. And I know that Senator LaValle has two pieces of legislation in right now to try and address this issue.

I believe that this is a responsibility of the taxpayers of New York State to foot the bill, not only for CUNY and SUNY dormitories, because there is one residential dorm at CUNY, but for all of the private universities. And I know this is brutally expensive. This is hundreds of millions of dollars we're talking about.

But as sure as we are all here in this chamber today, if we don't do this, someone's going to die in a residential dorm, and they don't have to. Because if there is a sprinkler in that dorm, they won't die. In very much the same way that if we educate people better on a whole series of subjects, we can prevent deterioration of their quality of life or on fire safety issues.

I'll give you another example, just for the edification of everybody right here. If you are able to, in a fire -- let's say there was a fire in this chamber. If you were able to exit through one of the doors, the

simple act of closing the door decreases the spread of that fire exponentially, thereby saving other people's lives.

If you have it in people's heads, as we have indoctrinated young children with the "stop, drop and roll" concept, to just close the door after you exit from a fire, you're going to save people's lives. Not just the people who didn't know that or the people living next door in the building or what have you, but firefighters.

And every single year, with frightening regularity, firefighters across this country die. And they die as a consequence of fires, almost all of which are completely preventable. Almost all of them.

Three New York City firefighters died in a fire in Brooklyn last year. They didn't have to die in that fire. And it was exposed, in the investigation subsequent to that, that had a door been closed, it would have prevented the rapid expansion of the fire, to the point where these heroic individuals, putting their lives on the line, all died. When a backdraft blew down the

hallway, they lost their bearings, couldn't find the exits, and burned to death. Happened in about 30 seconds.

So we want to prevent not only people who are smoking in bed, who shouldn't be doing that in the first place, but we want to protect them with Senator Dollinger's legislation.

And in doing that, we will also protect every single professional and volunteer firefighter in New York State who's got to deal with the consequences of cigarettes, where we have the technology now to stop them from burning when you're no longer taking drags on them -- from burning, igniting the bed, and causing, in 4 or 5 or 6 minutes -- as is the response time in New York City, or even longer in some of the suburban and upstate areas -- firefighters who are responding to a conflagration where now they have a responsibility to go into that building, putting their lives in jeopardy, and they die as a result.

Firefighters will be saved as a consequence of Senator Dollinger's amendment.

How can we not support this? It's criminal not to support it. It's criminal.

So, Mr. President, I urge all of my colleagues, for once let's put the partisanship aside. Pass Senator Padavan's legislation; we don't care. We're relegated to that role. We understand that, as Democrats, the way the rules are set up here, we need to propose legislation that never passes with the sponsorship of the original person who had the idea. But those ideas can be coopted for the benefit of the people of New York State. We're okay with that.

The Majority has done that countless times this year. It appears that we may be seeing that on gun control, with Governor's Pataki's sudden revelation on the issue. That's fine. Because at the end of the day, we're going to have policy that protects people's lives. Here's one of those policies.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Padavan.

SENATOR PADAVAN: Just by way of

correction, Senator Hevesi, this bill began in collaboration with a member of the Assembly by the name of Grannis, and a member of this house by the name of Padavan. That's where it started, a number of years ago.

And I share everything you have said here about the efficacy and the importance of this legislation. But I don't think it serves any useful purpose to try and impugn the fact that on occasion we do have a good idea in the Majority, which is what you just said. Was not the case, hopefully.

In any event, I'm convinced that before this session ends in the not-too-distant future, based on more recent reports that we've received from not only fire officer organizations but other reliable entities that deal with fire safety in general, which indicates -- just the other day, a report came out that cigarette smoking, smoldering cigarettes is the leading cause of death when fires occur.

As that information comes out, as more people become aware of it, I think we will have an excellent chance of passing this

legislation in an appropriate, meaningful way. And we have been in constant contact with our Assembly counterpart in developing memoranda, public meetings, public awareness. We're doing all the things that appropriately should be done.

Regrettably, a motion to discharge is procedural, in that we're not moving this bill in the proper way. And at the right time, I feel we will be. And on that occasion, certainly we would welcome all your support.

ACTING PRESIDENT MEIER: Senator Hevesi.

SENATOR HEVESI: Mr. President, I would like to apologize to Senator Padavan. In my comments earlier, I failed to recognize properly that Senator Padavan is the sponsor of this legislation. And if my comments seemed to imply that the idea for this legislation was a Democratic idea, I apologize. That wasn't my intention.

My intention was to obviate the situation whereby, if a Democrat is championing an idea, that that idea will never

see the light of day in this house.

So, Senator Padavan, I certainly appreciate and commend your advocacy on this issue and hope that with the vigor I have seen you champion other issues, that you continue to advocate for this particular issue and, as a consequence, we will see it enacted and made the law of the land.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I just want to respond to Senator Padavan too.

I know and am well aware of Senator Padavan having carried, although not this particular bill, which has my name on it, but certainly an almost identical measure which accomplishes the same goal.

And all I want to recognize is, Mr. President, I hope by this motion today the message that we give to Senator Padavan, and discussions that he may have both with his Assembly colleagues or other colleagues in the Republican Conference, is that there are at least 23 today and I hope by the end of this

month there will be 25 members of the conference who stand with you to support what is the right idea.

This is the right idea, the right thing to do. I know that there have been discussions in the past about whether it could be done. It appears we are now over that hurdle.

And I would just strongly suggest to Senator Padavan and his colleagues in the Republican Conference that this is something, when Senator Padavan comes into the conference and says "We ought to do it this year," Senator Padavan, don't be afraid to say that there are 25 Democrats who stand with you, because this is the right thing to do this year.

ACTING PRESIDENT MEIER: The question is on the motion. All those in favor signify by saying aye. Opposed, nay.

SENATOR PATERSON: 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, 22. Nays, 35. Party vote.

ACTING PRESIDENT MEIER: The motion is defeated.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. I believe that there is a motion at the desk. I request that the reading be waived so that I may be heard.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Schneiderman, Senate Bill Number 6773, an act to amend the Insurance Law.

ACTING PRESIDENT MEIER: The reading is waived, and you're recognized to explain the motion.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

This is a motion to discharge a bill. And if I may say so, based on this discussion today, I hope we're looking at a trifecta. I have reason to believe that the

emergency-contraception-for-rape-victims bill may have found a distinguished sponsor and we may actually get it passed this year. I'm encouraged by Senator Padavan's comments about the safe cigarettes bill.

The motion that I'm bringing now is to move to the floor a bill that will do a lot to eliminate the systematic discrimination against the women of the state of New York by our insurance industry.

And, very simply, it requires that insurance plans make contraception coverage available to all people who enroll in those plans. 97 percent of the traditional insurance plans in New York include prescription medication, but 70 percent of those plans do not include the reversible methods of birth control.

We cover Viagra; we won't cover birth control. We voted earlier this session to mandate coverage for fertility, but we won't cover birth control. And I assure you that if men had to take oral contraceptives, this would have been covered a long time ago. This is just discrimination.

Birth control is the best way to meet the objective of keeping abortion safe, legal and rare. It is a way to ensure healthier babies, because planned-for babies are healthier. And more than that, it really is a fundamental element of personal freedom to be able to choose when you're going to have a child.

We can take action on this. I know there are some members of the Majority who have signed on to the Omnibus Women's Health and Wellness Act, which includes coverage for contraception. It is critical that that piece -- Senator Bonacic, I believe, is the lead sponsor of it. It is critical that this element not fall out of that bill as negotiations go forward.

Let's make it a trifecta today. Let's do something to end this bias against women and a second, more insidious bias which many people I don't think are aware of. Insurance in New York State discriminates and favors surgical rather than nonsurgical means of birth control. More insurance -- I think 9 out of 10 insurers cover sterilization.

Two-thirds cover abortion. Very few cover birth control.

It's time to end this. It's time to get the cheapest, safest means of birth control into the hands of the women who pay for it every month and resent the hell out of a male-dominated house standing in their way.

Let's do something to do it. Let's make this a trifecta. I'm sure we have some distinguished Republican sponsors willing to step up to the plate and provide birth control for the women of the state of New York and mandate that our insurance industry stop this discrimination.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, once again, an excellent idea whose time has come but will not see its way to fruition, at least today in this particular house, under the guise that the motion for discharge that we are bringing would not be proper.

The fact is that I would not want to say that our foreparents who established

our State Constitution and provided for the original rules of both houses would have acted with such impropriety. It is not fair to say that it is not proper when what you really want to say is you don't want to do it.

So the fact is that people can do or not do what they want to do, but I think that we should firmly establish that these motions are all very much within the rules. And in a real democracy where we weighed ideas and opinions rather than structure and function, we would actually pass them.

Now, based on the considerable opposition that I don't understand why I'm getting in this chamber today, I'm also tempted to vote this conference as a party vote in the negative, just to see what would happen. Maybe that might get the bill on the floor. But we will party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank

you, Mr. President. Just briefly.

You know, women pay more for everything. It just costs us more to live on a par with men in every single way, and most especially as it relates to health care. And for me to hear and understand that an insurance company would dare to cover Viagra for men and not -- and not -- cover contraception for women, to me is simply an outrage. And it just is one more indication that women are still viewed as second-class citizens.

So let's please consider this proposal that Senator Schneiderman has before us as an urgent, urgent issue for all of us to address, that we will no longer allow insurance companies to discriminate against women simply because of their sex.

Thank you.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in

the negative.

THE SECRETARY: Ayes, 22. Nays, 35. Party vote.

ACTING PRESIDENT MEIER: The motion is defeated.

Senator Skelos.

SENATOR SKELOS: Mr. President, just a reminder that there will be a Majority conference following session.

And there being no further business to come before the Senate, I move we adjourn until Monday, March 20th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Monday, March 20, at 3:00 p.m. Intervening days will be legislative days.

(Whereupon, at 1:00 p.m., the Senate adjourned.)